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I

The Re-organized Church of Jesus Christ
Of Latter Day Saints,

Complainants,

Vs

The Church of Christ, et al,

Defendants.

In the Circuit Court of the United States for the West-
ern District of Missouri.

Depositions of witnesses taken on behalf of the complain-
ants in rebuttal, taken in the Criminal Court room, in
the Court House, in the City of Independence, Jackson
County, Missouri, Beginning on Tuesday the 2nd day of
August 1892, and continued from day to day as herein
after set forth; said depositions being taken by agree-
ment of the parties as herein after set forth, formal
notice being waived,-

For the Complainants, - L. Traber, P. P. Kelley, and E. L.
Kelley, - Appearances:-

For the Defendants, - John N. Southern, and C. A. Hall, one
of the defendants*.

John Hawley of lawful age, being produced sworn and ex-
amined on the part of the plaintiff in rebuttal, testified
as follows,-

Direct examination by Mr Traber,-

I - Q-State your name to the reporter? A-My name is John
Hawley.

2 Q-What is your age Mr Hawley? A-I was sixty six the
fourth day of last March.

3 Q-You were sixty six years of age the fourth day of
March of this year, -1892? A-Yes sir.

4 Q-Where do you reside at the present time Mr Hawley?
A-In the state of Missouri.

5 Q-Well what is your address, -the place where you re-
side more specifically? A-I reside at Sheridan, Worth
County, in this state.

6 Q-In Worth County Missouri, you reside, -that is your
place of residence? A-Yes sir, at Sheridan, Worth
County, Missouri.

7 Q-Have you been identified in any way with the church
of Latter Day Saints? A-Yes sir.

8 Q-Are you a member of that organization at the
present time? A-Yes sir.

9 Q-What is the title of the church of which you at
the present time are a member? A-The Re-organized
Church of Jesus Christ of Latter Day Saints.

10 Q-How long have you been a member of that organiza-
tion? A-Well I was baptized right across the river
here in the year '37.

11 Q-You were baptized in the year 1837? A-Yes sir.

12 Q-Into the church of which you are now a member?

Counsel for the defendants objects to the question asked
the witness on the ground that it is irrelevant and imme-
terial, and calls for an opinion of the witness.

A-Yes sir.

13 Q-By whom were you baptized, if you remember? A-By
William O. Clarke.

14 Q-Who was William O. Clark? A-He was an elder in
the church at that time.

15 Q-He was an elder in the church at that time, -in '37?
A-Yes sir he was an elder in the church at an early
date.

16 Q-Where were you baptized did you say? A-Well it was
over across the river here in Clay County I think.

- 17 Q-Well at what place across the river were you baptized? A-Well it was in the waters of Crooked River, but I could not state what branch of Crooked river it was, but it was in some of the waters of that stream that I was baptized. I was mistaken, it was in Ray County and not Clay County that I was baptized and it was in some of the branches of Crooked river.
- 18 Q-That was in 1837? A-Yes sir.
- 19 Q-Was there a church organization there at that time? A-A church organization did you say?
- 20 Q-Yes sir? A-There was not. There was not at that time any particular branch organization right there at that place, but there was close by where I lived.
- 21 Q-Then there was an organization of the church in the way of branch organization close to where you lived? A-Yes sir.
- 22 Q-Did you attend it? A-Yes sir.
- 23 Q-What position, if any, did you hold in the church? A-At that time do you mean?
- 24 Q-Yes sir, at that time, or subsequent to that time? A-Well subsequent to that time I was ordained a teacher in the church.
- 25 Q-At what time was it that you were ordained a teacher in the church? A-Well it was about '42 that I was ordained a teacher in the church. If I am not greatly mistaken it was about '42.
- 26 Q-At what place was it that you were ordained as teacher in the church? A-That was at Ambrosia.
- 27 Q-Where is Ambrosia? A-It is in Lee County, Iowa, about four miles from Montrose.
- 28 Q-Then you were ordained a teacher at a place called Ambrosia? A-Yes sir, that is what it was called at that time. I don't know what it is called now. It first went by the name of my father, and was called "Hawley's Grove", but afterwards it took the name of Ambrosia.
- 29 Q-How far from Nauvoo was it? A-Well I should judge it was about six miles over across the river in Iowa, from Nauvoo. Nauvoo you know was in Illinois, and Ambrosia was in Iowa, -across the river from Nauvoo out in the country a ways. Now let us see, -it was about four and half miles from Montrose about, -yes sir it was about six miles from Nauvoo.
- 30 Q-Was there an organization of the church at that place? A-Yes sir.
- 31 Q-Who was at the head of the ~~xxxxxx~~ organization at that place? A-Well it was John Smith.
- 32 Q-Who was John Smith? A-Well it was a cousin I think of the first Joseph Smith. I don't know that positively, but I think that is what he was. I would not be positive about that.
- 33 Q-Do you mean Joseph the Seer? A-Yes sir.
- 34 Q-Well how long did that organization continue at that place? A-Well it continued there until '33, -~~xx~~ '43 I mean, and then from there it moved to what was called Zarah Hephlah, just across close to ~~xxx~~ Montrose
- 35 Q-In Missouri? A-~~Yxxxxxx~~ No sir, still in Iowa, it was in Iowa all the time.
- 36 Q-Did you pursue your occupation of a teacher in the church? A-Yes sir.
- 37 Q-For what length of time did you pursue that occupation? A-Of teacher?
- 38 Q-Yes sir? A-Well I pursued that occupation for six or seven

- years, and then I received an higher ordination, I followed it until I received an higher ordination.
- 39 Q-What higher ordination did you receive? A-I received my ordination as an elder.
- 40 Q-At what time? A-That was in '48.
- 41 Q-In 1848? A-Yes sir.
- 42 Q-At what place was that? A-That was in Texas.
- 43 Q-Whereabouts in Texas? A-Well it was, -I disremember the County.
- 44 Q-Well whereabouts in Texas was it, -in what part of Texas was it? A-Well as I say I disremember the county, but it was about the central part of the state, -about eighty miles from the capital. it was about eighty miles from Austin the capital.
- 45 Q-It was about eighty miles from Austin? A-Yes sir.
- 46 Q-How far about, was it from San Antonio? A-About sixty five miles I think.
- 47 Q-Was there an organization of the church there? A-Yes sir.
- 48 Q-Who was at the head of the organization there? A-Well Lyman Wight was.
- 49 Q-Lyman Wight was at the head of that organization there? A-Yes sir.
- 50 Q-Who was Lyman Wight? A-He was one of the Twelve Apostles.
- 51 Q-Was he one of the original Twelve? A-Yes sir. He became one of the Twelve to fill a vacancy in old Joseph's day.
- 52 Q-Well now this you say was in Texas? A-Yes sir.
- 53 Q-Well how long did you remain there? A-I remained there about, -Well it was a few years, -four or five I think.
- 54 Q-Well about when was it you left there, if at all? A-Well I remained there until about ~~xxx~~ '53. Yes sir it was in '53 that I left there if I ain't greatly mistaken.
- 55 Q-Was the organization kept up through that time? A-Where?
- 56 Q-There at that place in Texas where you were? A-Yes sir.
- 57 Q-Well when you left that point in Texas, where did you go? A-Well-I came North, -I came to the Cherokee Nation, and wintered there.
- 58 Q-In what year was that? A-That was in '53.
- 59 Q-What year, -how long did you remain there? A-I remained there until '56.
- 60 Q-Then where did you go when you left that point? A-Then I went to Utah.
- 61 Q-At what time? A-Did I go to Utah?
- 62 Q-Yes sir? A-Well it was in the summer of '56.
- 63 Q-Now do you remember the time and the circumstances attending the death of Joseph the Martyr? A-Yes sir.
- 64 Q-Where were you at that time? A-I was in Wisconsin.
- 65 Q-What were you doing in Wisconsin at that time? A-My father went there ~~xxxxxxx~~ with a company in which ~~xxxx~~ was Lyman Wight and George Miller, for the purpose of obtaining lumber.
- 66 Q-For what did you say you went to Wisconsin? A-For the purpose of obtaining lumber for the purpose of finishing up the temple, and for the building of the temple at Nauvoo, and we labored there until in '45 when we brought the raft of lumber down the river to Nauvoo.
- 67 Q-What was it you brought down to Nauvoo? A-It was a raft of lumber and shingles to finish up that building.
- 68 Q-Where were you when you heard of the death of Joseph Smith? A-I was in Wisconsin.

- 69 Q-You were at Wisconsin on this lumber hunting expedition at the time you heard of the death of Joseph
A-Yes sir.
- 70 Q-And still you brought the lumber down the river?
A-Yes sir. That did not deter us, -we went right ahead and finished up our labors, and brought the lumber raft down the next spring.
- 71 Q-The next spring after the death of Joseph Smith?
A-Yes sir.
- 72 Q-That would be in the spring of '45? A-Yes sir.
It was the next spring after the death of Joseph.
- 73 Q-Then what did you do on your return? A-Then we remained a short time in Nauvoo, and went back to Wisconsin again.
- 74 Q-For what purpose did you go to Wisconsin again?
A-Well in the seer's day there was a commission given to Lyman Wight and George Miller to take the company that I was one of, to go to Texas and there to organize an organization, and build up the kingdom in that land, and so we went back to Wisconsin and remained there through the winter.
- 75 Q-Now what time was it when you went back to Wisconsin? A-Well it was the summer of '45 that we went back there again. No it was in the fall of '45.
- 76 Q-Were you acquainted with all the requirements of the church at that time, and its doctrine? A-Yes sir I think I was, as much so as any one of my age could be, or was at that time. I was acquainted with the teachings of the church and the requirements of its officers.
- 77 Q-What was the teachings of your church if any, in reference to the matter or question of endowments, at the time that you were an officer in it? A-Well there was nothing to it. There was no teachings of endowments to my knowledge at any time until after we got into Texas. That was the first time I ever knew anything about endowments, and there was then.
- 78 Q-Well what was it then? A-Then Lyman Wight taught us something about endowments.
- 79 Q-Lyman Wight was the first person that taught anything about endowments according to your recollection
A-Yes sir.
- 80 Q-Well what did he teach you then? A-He taught us that it was needful for men and women to be sealed together, or to each other, in order to enjoy each others society in eternity. *that is to say that husband and wife were to be sealed together in order to enjoy each others society in eternity.* Lyman Wight was the first person I ever heard teach that, and that was what he taught.
- 81 Q-What is what he taught you? A-Yes sir that is one of the things he taught us.
- 82 Q-Now what was the difference between that sealing and the ordinary ceremony of marriage? A-Well there was no particular difference, only it was done as we understood it by the power of the priesthood. It was used instead of the legal form of marriage, and at time we looked upon it as being more binding for eternity than the other form of marriage.
- 83 Q-One was performed through the requirements of the law, and the other through the requirements of the spiritual law, -is that it? A-Yes sir, that was his understanding so he said.
- 84 Q-Did you pass through this ceremony? A-Yes sir.
- 85 Q-When were you married? A-When was I married?
- 86 Q-Yes sir? A-I was married in '51.
- 87 Q-Was it a practice that was universally followed in Texas by all those who claimed to be members of that church there? A-Yes

- 87 sir,-pretty much all of them there received that endowment.
- 88 Q-How did they receive it,-at whose hands? A-Pretty much all of them received that endowment at the hands of Lyman Wight or under his administration.
- 89 Q-That was in Texas? A-Yes sir, while we were in Texas.
- 90 Q-Lyman Wight I believe you stated was the leader of the organization there in Texas? A-Yes sir.
- 91 Q-How did Lyman Wight come to become the head of the church there in Texas? A-Well from the fact that we understood he had a mission given him by Joseph the Seer to go down there to Texas, and preach the gospel to that people and raise up the church.
- 92 Q-When was that appointment made by the Seer with reference to the time of his death? A-With reference to the time of the Seer's death?
- 93 Q-~~Was it in '48?~~ A-Yes sir? A-Well that was in '48.
- 94 Q-That he received his mission,-that was the time that Lyman Wight received his commission? A-Yes sir. That is the statement he gave to us.
- 95 Q-Who made the statement to you? A-Lyman Wight,-he made the statement to us that his mission was given him in '48.
- 96 Q-When did he make that statement? A-Lyman Wight made that statement to us in the winter of '48, while we were in Wisconsin.
- 97 Q-Do you know who composed the Twelve at the time Lyman Wight was in Texas? A-I don't know as I could enumerate all of them but there was Brigham Young, Heber C. Kimball, Willard Richards, George A. Smith, and Orson and Parley Pratt, Wilford Woodruff and Orson Hyde.
- 98 Q-Was William Smith also one of the Twelve at that time? A- I don't remember whether he was or not at that time. Yes I remember now William Smith was at that time was one of the Twelve.
- 99 Q-Where did they reside at that time? A-The Twelve?
- 100 Q-Yes sir,-where did they respectively reside at that time, if you know? A-Well sir in '48 they were scattered around over a good deal of territory at that time. They were scattered abroad here and there, over a good deal of territory.
- 101 Q-What year are you speaking of? A-In '48. At that time they were scattered around a good deal, but the most of them I think were in Utah. Most of them had gone to Utah with the branch of the church that went there.
- 102 Q-Well did they all go to Utah? A-No sir.
- 103 Q-What year was it that you took the endowments in Texas? A-Well that was in the year '48.
- 104 Q-Now I have asked you who at that time composed the Twelve, and you have named off the principle ones, as you remember them? A-Yes sir. I have named the ones I remember.
- 105 Q-Well now I will ask you where they resided respectively at that time, if you know? A-Well I could now answer that question any more than what was reported. I was not a witness of their being at any place at all only from Lyman Wight, although we often heard where they were.
- 106 Q-Had any of them at that time you speak of gone to Salt Lake City? A-Yes sir.
- 107 Q-How many of them? A-Well I don't believe I can state that, but there was quite a large emigration of the members of the church went there in '47 and some of the Twelve went with them of course.

- I08 Q- What year did you say it was they went to Utah?
A- I said there was a large emigration went there in '47, -that was the time that I think most of them went there.
- I09 Q- Do you know what ones of the Twelve went there at that time? A- Well I have senn them there quite a number of times after that, most all of them were there after that I know. I think that most all of them went there with the exception of William Smith and Lyman Wight, -they did not go there, but I think most all of the rest went there.
- I10 Q- John E. Page did not go there did he? A- No sir, -I don't remember of seeing him there either. I dis-remember, -no he did not go there either, but ~~most~~ all most all of the rest ~~went~~ of them went there to Salt Lake with Brigham.
- I11 Q- Now you said you were at Salt Lake also at one time
A- Yes sir I went there after I left Texas.
- I12 Q- What year did you go there? A- I went there in '56.
- I13 Q- From what place did you go to Salt Lake? A- I said a moment ago that I went there after I left Texas, but that was an error for I went from Texas to the Indian Territory, and stayed there a while and then I went from the Indian Territory to Salt Lake. I went to Salt Lake from the Cherokee Nation.
- I14 Q- Did you identify yourself with the church there in Salt Lake? A- Yes sir.
- I15 Q- You identified yourself with the church organization there? A- Yes sir.
- I16 Q- Did your wife go with you also? A- To Utah?
- I17 Q- Yes sir? A- Yes sir.
- I18 Q- Did you, or did you not take an endowment there?
A- Yes sir I did.
- I19 Q- Was ~~it~~ or was it not the same kind of an endowment you took under Lyman Wight's administration? A- No sir it was not.
- I20 Q- You say they were not the same, -that is the endowment you took in Utah was not the same as the endowment you took under Lyman Wight? A- No sir, they were not the same.
- I21 Q- Well now will you be kind enough to tell in what respect they were different? A- Well they differed in the manner of: the sealing and in the manner of conferring the endowment.
- I22 Q- In what respect did they differ? A- Well Lyman Wight only gave the endowment in the respect of the washing of the feet, and they gave the endowment in Utah by washing, anointing, and then there was an oath taken in Utah to avenge the blood of the prophet.
- I23 Q- That was a part of the endowment in Utah? A- Yes sir, that was a part of the endowment that was given in ~~Utah~~ Salt Lake City.
- I24 Q- Where the endowments in Salt Lake City given? A- In the endowment house, as they called it.
- I25 Q- Was it arranged specially for the conferrring of these endowments? A- Yes sir.
- I26 Q- Was it reserved for that service entirely? A- Yes sir.
- I27 Q- Now you have stated that the endowment that Wight gave was the washing of the feet and the sealing of a man's wife to him for eternity? A- Yes sir.
- I28 Q- That part of it that referred to a man's wife was sealing for eternity? A- Yes sir.
- I30 Q- Well now, what constituted that sealing? A- Well now I can't repeat that ceremony, but it was sealing in the name of the Lord Jesus Christ, for time as well as for eternity.

- I31 Q-That was all there was to it? A-Yes sir.
- I32 Q-Now were there any other obligations beyond it?
A-No there was nothing more, any more than sealing for time and eternity. That was all there was to it.
- I33 Q-It related purely to matrimonial affairs? A-Yes sir.
- I34 Q-And that was all the endowment that Wight gave the people? A-Yes sir, that was all the endowment that he gave us.
- I35 Q-Well now when did you first hear of endowments being practiced in the church?
- Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper direct examination.
- I36 Q-Answer the question? A-'48 was the first time I heard of it.
- I37 Q-That was after the death of Joseph Smith, the Seer? A-Certainly. He died in '44 and this was in '48.
- I38 Q-Where were you at that time? A-At the time of the death of the prophet?
- I39 Q-No sir, -at the time that you first heard of the endowment? A-I was in Texas.
- I40 Q-Well while you were a resident of Nauvoo did you hear or know anything about it at that time? A-No sir.
- I41 Q-Had you ever heard of it at that time that you were a resident of Nauvoo or before the time that it was revealed to you by Lyman Wight in Texas? A-No sir, no further than I heard there was an endowment of the Spirit at Kirtland. That was in '35 as I understood it, but I had never heard anything about its being practiced in Nauvoo.
- I42 Q-What was the endowment that you heard of being practiced in Kirtland? A-Well the first endowment was the washing of feet, and the endowment with power, that elders might go forth with great power to preach the word.
- I43 Q-That was an endowment that was given to whom? A-To the elders.
- I44 Q-So the endowment at Kirtland was given to the elders? A-Yes sir, that was my understanding.
- I45 Q-Through the holy spirit? A-Yes sir.
- I46 Q-Then afterwards the next you heard of it was through Lyman Wight in Texas? A-Yes sir.
- I47 Q-Where it was applied to the marriage relation? A-Yes sir.
- I48 Q-Well then you went to Salt Lake City, ~~and there~~ or to Utah, and there you found the ordinance as it is called of endowments in force only with a greatly extended application? A-Yes sir.
- I49 Q-Were the endowments in Texas conferred secretly? A-No sir, there was nothing secret about it. Not in the endowments, -they were not secret under Wight.
- I50 Q-They were conducted openly? A-Yes sir, openly, and all had the privilege of seeing them performed. Every one could go who felt like going.
- I51 Q-Well now was that the case in Salt Lake city? A-No sir.
- I52 Q-What was the difference? A-In Salt Lake City it was done secretly and no one was permitted to see it only the officers, and the ones taking the endowments.
- I53 Q-No one was admitted only the participants, and those officiating? A-No sir.
- I54 Q-Were any people present in Salt Lake City at the conferring of the endowments, and those officiating? A-No sir, that is what I stated before.

I55 Q-Why was that the case?
Counsel for the defendants objects to the question asked the witness on the grounds and for the reasons that it is irrelevant and immaterial and calls for an opinion of the witness.

A-Why simply because no one else had any business there, and they were not permitted to be there. Now that was the rule at the time I received mine at least, but of course I don't know what happened afterwards.

I56 Q-That was the rule at the time you received your endowments? A-Yes sir.

I57 Q-Who performed the ceremony at the time you received your endowments? A-Well Wilford Woodruff he did the anointing and washing, and Brigham Young he did the sealing. They both had a hand in it.

I58 Q-Well at the time you received them in Texas I am talking about? A-Well Lyman Wight and my father, - Lyman Wight did the sealing, and my father was an high priest in the church in Old Joseph's time, and he ~~did~~ done the washing of the feet and anointing of the head.

I59 Q-That is who performed the ceremony at the time you received your endowments in Texas? A-Yes sir.

I60 Q-Now who performed the ceremonies at the time that you received your endowments in Salt Lake City? A-Well that is what I told you.

I61 Q-Wilford Woodruff and Brigham Young, - is that who you said conferred the endowments? A-Yes sir, between them they did.

I62 Q-That was at the time the endowments were conferred upon your self and Wight? A-Yes sir, Wilford Woodruff did the anointing and washing, and Brigham Young the sealing.

I63 Q-Were you and your wife both present at the same time? A-We were in different rooms while we were washing and anointing, but when we were sealed we were together.

I64 Q-When you were sealed you were together? A-Yes sir

I65 Q-But when you were washed and anointed you were not together? A-No sir, that is the way it was, when we were washed and anointed we were separated, but when we were sealed we were together.

I66 Q-How was it when you were endowed in Texas with reference to your being separated then? A-No sir we were not separated there but it was only the washing of the feet there.

I67 Q-What was your father's full name? A-Pierce Hawley.

I68 Q-Pierce Hawley? A-Yes sir.

I69 Q-Where did he live at that time? A-At what time?

I70 Q-At the time of this endowment in Texas? A-He lived right there with the company in a little town.

I71 Q-That was in Texas? A-Yes sir.

I72 Q-Did you ever attend church at Nauvoo? A-Oh yes, - you mean church services?

I73 Q-Yes sir? A-Yes sir, I have attended them many a time.

I74 Q-You did? A-Yes sir, my father lived there right near Montrose, that was in Iowa, but we often went over on the Sabbath to Nauvoo and attended church.

I75 Q-Well now at the time you were a teacher, and attended church at Nauvoo, was there any such a thing then taught or practiced in the church as endowments, or the endowment you have spoken of? A-No sir.

I76 Q-There was not? A-No sir. I heard nothing of that kind taught at all there at Nauvoo.

- I177 Q-When was it that you attended church meetings at Nauvoo? A-That was from '41 to '44 that we attended these church servises or meetings there at Nauvoo. It was while we lived over at Zarah Hemlah near Montrose.
- I178 Q-It was during the years from 1841 to '44 that you went there to meetings? A-Yes sir, we often went over during that period.
- I179 Q-If there was any such a thing practiced as the endowments such as you have spoken of in the church there at Nauvoo during ~~this~~ this period from 1841 to 1844, did you ever hear of it? A-No sir I never did, and I don't think there was.
- I180 Q-It was in 1848 that you first heard of it? A-Yes sir.
- I181 Q-You never heard of any thing of the kind until 1848? A-No sir.
- I182 Q-Now in Salt Lake City was there any such a thing known as the ordinance of the endowment being administered to any one, who had not been joined in matrimony as an husband and wife? A-I could not tell you. I only know positively what I saw and experienced myself, and I don't know positively the limitations they put on the administration of that ordinance. I could not tell you how that was for at that time I went to Utah I heard of a good many things being taught and practiced there, but at the time I was in Texas and the Indian Territory, of course I don't know anything about what was going on in Utah.
- I183 Q-Well I am talking now about what was going on in Utah at the time you were there, -at the time that you were endowed? A-Well I know something about what went on there after I got there of course.
- I184 Q-In reference to the endowments I mean? A-Yes sir.
- I185 Q-Well I will repeat my question, -re ad the question to the witness.
- The Notary hereupon reads to the witness question number "182", as follows, -"Now in Salt Lake City, was there any such a thing known as the ordinance of the endowment being administered to any one, who had not been joined in matrimony, as husband and wife? A-Yes sir there was several went through and got their endowments, -single men I mean.
- I186 Q-They were single men? A-Yes sir.
- I187 Q-Un-married men? A-Yes sir.
- I188 Q-Well then what had that to do with sealing for eternitty, -husband to wife, and wife to husband? A-What had they to do with that?
- I189 Q-Yes sir? A-They did not receive that ordinance. That ordinance was not administered to them. They were appointed and when they got their wives if they ever did get them, then they got the rest of the endowment then.
- I190 Q-Well that was the way it was done in Utah? A-Yes sir, that is the way.
- I191 Q-Well was the same thing practiced in Texas with reference to single men? A-No sir not to my knowledge.
- I192 Q-Or single women ei ther? A- No sir, not that I ever heard of.
- I193 Q-In Texas it was just confined exclusively to husband and wife? A-Yes sir, to husband and wife.
- I194 Q-How long did you remain in Utah? A-I went there in '56 and came away in '70.
- I195 Q-You went there in 1856? A-Yes sir.
- I196 Q-And came away in 1870? A-Yes sir.
- I197 Q-You were there about fourteen years? A-Yes sir, -about that time.

- 198 Q-When did you first hear of the practice of polygamy or its being practiced in the Mormon church? A-The first indications that ever came to my knowledge was when, -was in '45.
- 199 Q-In 1845 did you say? A-Yes sir. It was in Wisconsin.
- 200 Q-What was in Wisconsin? A-Yes sir.
- 201 Q-What time, -you were in Wisconsin twice, and which of these times was it? A-It was after we moved ~~xx~~ there the second time, -after we went back there the second time from Nauvoo.
- By Mr Southern, -
- 202 Q-That was where you first heard of polygamy or plurality of wives? A-Yes sir.
- By Mr Traber, -
- 203 Q-At what place in Wisconsin was that? A-Wait a moment and I will tell you, -(witness reflects) it was at Prairie LaCrosse.
- 204 Q-Was that Wisconsin then? A-Yes sir.
- 205 Q-Was there an organization there at that time? ***
- a church organization? A-Yes sir.
- 206 Q-What was the organization? A-Well Lyman Wight was there with his little band of saints.
- 207 Q-Lyman Wight was the head of the organization of the church there at that time? A-Yes sir.
- 208 Q-Did he go from Texas there? A-No sir.
- 209 Q-Where did he go from to that place? A-He went from Nauvoo to Wisconsin.
- 210 Q-Oh yes, and from Wisconsin he went to Texas? A-Yes sir.
- 211 Q-And his organization went with him? A-Yes sir, -most of them did.
- 212 Q-Where were you when you first heard of the practice of polygamy at LaCrosse? A-Well I don't know that we were just there. We were on the move at that time. It was in the summer of '45 and we were on the move for Texas, and Lyman had performed the ceremony we understood afterwards, and had sealed a young lady with us to a man that had another wife. Lyman Wight had just done it a short time before that. I know this is so for at the time I was paying my regards to the young lady myself, and I did not know for some time that she was another mans wife. I did not know that until I found it out afterwards. We were on the move for Texas at the time and when we got down a bout to Davenport, there was where I came into the possession of the knowledge that she was another mans wife, and of course I dropped her mighty quick. Now that was the first intimation that I had that there was anything of the kind practiced, -for that was the first case of spiritual marriage that ever came to my knowledge.
- 213 Q-Now that you understood to have been a spiritual marriage? A-Yes sir, -spiritual wife marriage as it is termed.
- 214 Q-Well now is it a necessary and logical sequence, if they were spiritually married that they would practice polygamy? A-No sir. They were spiritually united, they said that they were in polygamy, as well as those that were not(???). The understanding was that they would enjoy the same glory as the others, but the ones that had more wives would enjoy a greater portion of it.
- 215 Q-The man that had more than one spirituan wife would enjoy a greater measure of glory than the man would that had only one? A-Yes sir.
- 216 Q-Well do you mean spiritual, or other wise? A-They were to enjoy the glory hereafter, -the

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- glory which was in eternity would be greater.
- 217 Q-Well do you mean that would be applicable if they practiced polygamy? A-Yes sir.
- 218 Q-How do you know that? A-Well that is what Lyman Wight told us, that is what he told us.
- 219 Q-Did he teach it in Texas? A-Yes sir.
- 220 Q-Did he practice it there? A-Yes sir.
- 221 ~~By Mr. Southern~~ Southern.-"I am not objecting to any of these questions." "They might be objectionable, but I am not objecting to any of them you see". The answers suit me too well to do that".
- 221 ~~By Mr. Traber~~ By Mr. Traber.-
- 221 Q-No, if they were prior, -if they referred to a time prior to 1844 you would.
- By Mr. Southern.-"I rather think I would not, for I would as soon have it in '44 as any other time".
- By E. L. Kelley.-"Yes, you would rather have it then I know, -but you can't get it then for it did not exist then"
- By Mr. Traber.-
- 222 Q-According to your understanding who was it first taught and practiced polygamy in the Mormon church? A-Lyman Wight.
- By Mr. Southern.- "Well now that last answer and the question I must I think object to, -particularly to the question. It calls for an opinion of the witness. I do not object though particular but I do object to the method of examination."
- By Mr. Traber.-
- 223 Q-Did you know ^{Joseph} Smith the Seer? A-Yes sir I was pretty well acquainted with him.
- 224 Q-When did you become acquainted with him, -during what period of time were you acquainted with him? A-Well I was pretty well acquainted with him from '38 to '43. I was acquainted with him pretty well during that time.
- 225 Q-Were you at Nauvoo when he was killed? A-No sir I was absent in Wisconsin at that time on that lumber expedition, and I did not return from the expedition, until after 1844.
- 226 Q-When did you say you were ordained a teacher? A-I was ordained a teacher in '42.
- 227 Q-Well now if polygamy had been taught and practiced in the church at that time ~~in~~ Nauvoo or any where else, would you have been likely to have heard of it? A-Yes sir, I think I would.
- 228 Q-Would you have been likely to have heard of it? A-I think so. Now I have my reasons for thinking so, and they are these. My father was one of the first elders in the church, and if he had heard of any such a thing I think he would have said something about it and we would all have heard about it.
- 229 Q-And you say you did not hear of it, -that is of the teaching or practice of polygamy prior to the death of Joseph the Seer? A-No sir.
- 230 Q-Did you ever know of Joseph the seer teaching, preaching or practicing polygamy? A-I never did. No sir, never.
- 231 Q-That is all, -no it is not either, -I have another question to ask you, and it is this, -Did you ever hear of any one else during the life time of Joseph Smith teaching or practicing polygamy? A-No sir, the first I heard of it was in '45, and I never heard of it before that time by any body.
- 232 Q-I now hand you plaintiffs exhibit "D", on the title page of which appears the following, -"A few choice examples of Mormon practices

- and sermons", and I will ask you whether or not you recognize the cuts of the garments and implements, contained within the first 8 pages, as being of the character and description used in the ordinances of the endowments at the time you were endowed? A-In Texas do you mean?
- 233 Q-No sir I ask you if you recognize them as the garments and implements that were used in the endowment ceremony at the time that you were endowed at Salt Lake? A-I have not used them or seen them since '70 but I recognize this garment on the first page here. I recognize this garment on the first page here, as being the complete garment with sleeves and dress and all.
- 234 Q-You recognize that garment on the first page? A-A-Yes sir.
- 235 Q-As being the same as the garment that was used in the endowment house at Salt Lake at the time you received your endowments there? A-Yes sir.
- 236 Q-I will ask you if you recognize the aprons and the emblems on the aprons as shown on page two of the exhibit? A-Yes sir I recognize it.
- 237 Q-Is there anything peculiar about it that brings it back to your recollection? A-Yes sir, I remember the leaves there on the apron. I remember that sir very well. Yes sir, that was the form of the apron worn.
- 238 Q-That was used at the time of the endowment at Salt Lake? A-Yes sir.
- 239 Q-At that time, at what particular stage of the game is it used? A-At the time of sealing it is used.
- 240 Q-Now I will ask you if you recognize the diagram showing the endowment house with compartments, as indicated on pages four and five? A-Well I don't know that I can recognize the building with all its forms and compartments, but still I remember that it had a good many departments, -a great many departments.
- 241 Q-Did it have a reception room? A-Yes sir.
- 242 Q-Did it have a stair way to the veil? A-Yes sir. It had a very small stairway. It was all pretty much on the ground though.
- 243 Q-Did it have dressing rooms? A-Yes sir.
- 244 Q-And washing rooms? A-Yes sir.
- 245 Q-And I believe you stated there was a reception room? A-Yes sir.
- 246 Q-Was there a prayer circle? A-Yes sir.- There was a prayer circle.
- 247 Q-And an altar? A-Yes sir.
- 248 Q-Did it have this square room here, marked "Peter", "John", "James", "altar", and "world"? A-Well this is intended to represent the three apostles, Peter John and James, is it not?
- 249 Q-"Peter", John and "James", it is there? A-Well that is right.
- 250 Q-What did that mean to represent? A-It represented the Melchisedical priesthood that they held.
- 251 Q-Well now I have here marked. I see on the drawing that is designated at the number four, -that that point is designated as the "Garden of Eden". Now what, if anything, do you know about that compartment, and what was it used for, if anything? A-The garden of Eden part of it was more fully practiced and carried out when I received my endowments. when I received mine there was only an offering made, and the ones it was offered to would receive it, and we expected that for ~~excepting~~ accepting it they would be cast out as a representation of the truth.
- 252 Q-Do you mean that as "accept" or "except"? A-"Accept"

- 253 Q-"Accept" what? A-Accept the fruit that would be offered to them. I mean the ones that would partake or accept of the fruit would be cast out as Adam was. That would be done, and the man would be cast out, and then you would go out with your wife.
- 254 Q-You would both be cast out? A-Yes sir.
- 255 Q-Both the man and the woman? A-Yes sir.
- 256 Q-Now there is another drawing indicating a room which is entitled Heaven? A-Yes sir.
- 257 Q-And here is the "marriage register table"? A-Well I suppose that is where the sealing took place before the altar. That was the altar where we were all sealed for time and eternity, -the jumping off place so to speak, -that is what they called it.
- 258 Q-Called what? A-They called that altar where they were sealed the "jumping off" place, -that was in the last room, and was the last act about.
- 259 Q-Well what is the room below it with the square and compass marked "instruction room", -what was done there A-Well the name indicates what it was. It was a room that we received general instruction in.
- 260 Q-Of what did that instruction consist? A-It consisted of the garments and robes, and instructing people how to wear them, -the under garments to be worn continually, and the robe that was worn at the time of the prayer circle was to be the same as the one that you were to be buried in.
- 261 Q-How is that? A-If you died you were to be buried in a robe like the one we wore at the time we were sealed.
- 262 Q-You do not call that a robe? A-No sir.
- 263 Q-What do you call that? A-That is a garment.
- 264 Q-I mean this one on page one? A-No sir, That is not a robe, -that is a garment.
- 265 Q-In what manner was the robe constructed? A-I don't know that I would be able to explain that.
- 266 Q-Do you recognize the drawing on page six of the exhibit as a re-production of the robe that was worn on that occasion? A-Yes sir for I remember the bows here on the side. That is the robe I recognize it, for it was a robe that came down over your shoulder and down that way, and had a bandage across.
- 267 Q-Where was that worn? A-I recognize that as the robe that was worn out side of the garments.
- 268 Q-On page seven I find a representation of a woman's cap, a moccasin, and a man's cap? A-Yes sir.
- 269 Q-Do you recognize these as any part of the paraphernalia that was used on that occasion? A-Yes sir.
- 270 Q-When were they used? A-At the time of the sealing these were worn.
- 271 Q-Now I will ask you whether any of these which you have seen, -these re-productions of robes and garments and emblems that I have shown you, and which you have testified about, were used in the endowments in Texas under Wight? A-We had a garment in Texas, but it was not like any of these. The robe was nearer like the robe used in Utah, but it was not exactly like it, but the garment was not like the garment in Utah at all.
- 272 Q-Was that the only thing that was used in Wight's endowment? A-He had a robe.
- 273 Q-Well the robe was the only thing that was used? A-No sir for he had the veil and the caps.

- 274 Q-Wight did have them? A-Yesssir.
- 275 Q-Such as are represented ~~xxx~~ there? A-Well perhaps pretty much the same. I would not be positive but possibly they were pretty much the same, -but as I said I can't be positive about that. It has been a great many years since I saw these things in Texas, -half of a mans life time, and more, and so I can't remember about that, but it is my impression now that they were pretty much the same as they appear there. It has been a long time since I have had anything to do with this endowment business, and I have not tried to think about it, -on the contrary I have tried to get it out of my mind.
- 276 Q-When did you leave Salt Lake did you say? A-When did I leave Utah you mean?
- 277 Q-Yes sir? A-I left there in the year '70.
- 278 Q-During all the time you were there, were you a member of the church in Utah? A-Yes sir.
- 279 Q-You were not a member of the church during the time that you were there? A-No sir.
- 280 Q-You are not a member of that church now? A-No-sir
- 281 Q-Of what church are you a member at the present time A-The church of Christ denominated the Re-organized church.
- 282 Q-Do they have any endowment of that kind in the Re-organized church of which you are now a member? A-No sir. If they have I never have seen it or heard of it.
- 283 Q-Do they teach anything of the kind? A-In the re-organized church?
- 284 Q-Yes sir? A-No sir, -not to my knowledge.
- 285 Q-In the endowment that was conferred at Salt Lake, you may state whether or not there was an oath required of the parties who received the ordinance? A-I think my testimony is to that effect already.
- 286 Q-To what effect? A-To the effect that there was an oath required, -there was an oath required, -the oath that was required was to avenge the blood, or the death of the prophet.
- 287 Q-Was there any such an oath, or any oath at all required in the administration of the endowments under Lyman Wight? A-In Texas?
- 288 Q-Yes sir? A-No sir, -no such an oath was required at all. There was nothing of the kind required.
- 289 Q-When and under what circumstances did you sever your connection with the Mormon church in Utah? A-I severed my connection with them in the year of '70.
- 290 Q-In the year 1870? A-Yes sir, and that was the year I came out from there.
- 291 Q-You came from Utah at that time? A-Yes sir, I left there that year.
- 292 Q-What was the occasion of the severance of your connection with that organization, if you are permitted to tell what it was? A-Well the occasion was ~~xx~~ that the doctrine taught there was not in keeping with that which is written in the inspired books, or the books that we acknowledged to be the inspired books, which are the bible the book of Mormon and the book of Doctrine and Covenants.
- 293 Q-You left because the doctrines and teachings of the church in Utah did not conform ~~xxx~~ to the doctrine set forth and taught in these inspired books A-Yes sir.
- 294 Q-Well did they differ at the time you went there, from what they were at the time you went there?

A-No sir, I think they were presented about the same. I am not positive about that however, but there was one doctrine and that was about Adam being our God. I can't say about when that was introduced, -that is something I can't state, but that was a doctrine that I never agreed with, and could not accept for the reason that I could not understand how he could be our God and have fallen under condemnation the way he did; but however that was Brigham Young sent a proclamation to that effect out to the people, but whether it was in '52 or '54 or '56 I could not say. I could not say as to the time, for I could not answer as to the time. At any rate I objected to that doctrine, and would not accept it.

- 295 Q-That was one of the doctrines you seriously objected to? A-Yes sir, and I would not accept it, for it was one of the doctrines I objected to, and polygamy was the other.
- 296 Q-When you went there were you re-baptized? A-Yes sir.
- 297 Q-Where were you baptized before you went there, if at all? ~~at all?~~ A-I was first baptized out North of this in Ray county in '87.
- 298 Q-That was when you first joined the church? A-Yes sir.
- 299 Q-Well what was the occasion of your re-baptism in Salt Lake City? A-Well it was supposed that the people in crossing the plains at that time, would naturally commit sins, and they considered it was beneficial to be re-baptized.
- 300 Q-Were all that went there to Salt Lake re-baptized? A-~~Yes~~ It was the common practice of all that went there to be re-baptized.
- 301 Q-That was on the theory that it was the next thing to an impossibility to go across the plains without doing some little sin I suppose? A-Yes sir, for the reason I presume that the trip across the plains in those days was one fraught with a great deal of hardship, worry and trouble, and it was supposed that it was impossible for any one to make the trip, and under -go all these ~~worries~~ and difficulties and worriments without committing some sin, and therefore they had better be baptized when they arrived there, and that was what was done.
- 302 Q-Was the ordinance of baptism the same? A-Yes sir.
- 303 Q-The same as was originally conferred? A-Yes sir, it was all just for the re-mission of sins.
- 304 Q-For the remission of sins? A-Yes sir, it was all for the re-mission of sins as I understood it.
- 305 Q-Now I will call your attention to what is said to have been the oath required to be taken, or to have been taken I should say, -In the endowment in Salt Lake City? A-Yes sir.
- 306 Q-Was it as set out on page six of the exhibit here to fore shown you? A-Let me see it.
- 307 Q-I now hand you the exhibit that contains what I have called your attention to, and I will ask you to read it if you can find it here, -that is to read the oath that you were required to make in Salt Lake City if you can find it here? A-I don't remember of taking any oath only to avenge the blood of ~~xx~~ Joseph the Martyr, and of his brother Hyrum Smith. I find it here to teach your children so and so. Now it might have all been in there at the time I took it but if it was I don't remember it. Now it is just this way, I am satisfied from what I had heard before I took my endowments that there were many things done in the endowment house at one time that were not done at the time I received mine. I am satisfied of that ^{fact}.
- 308 Q-~~Q-Do you mean~~ ~~before you received your endowments~~ or afterwards? A-Before.

- 309 Q-That were done,-many things were done in the endowment house before you received your endowments, that were not done afterwards? A-Yes sir.
- 310 Q-Do you recognize that in the exhibit which I have handed you as the oath you did take? A-Yes sir, I recognize it, but I can't say that I took it at all. I recognize parts of it all right though.
- 311 Q-You recognize it? A-Yes sir. That is what I said.
- 312 Q-Well now would you be kind enough to read it to the Notary? A-"We were then made to swear to avenge the death of Joseph Smith the martyr, together with that of his brother Hyrum, on this American Nation, and that we would teach our children and children's children to do so. The penalty for this grip and oath was dis embowellment". Now I recognize the part ~~xxxxxx~~ of it that we took to avenge the death of Joseph Smith and his brother Hurum, ~~xxxx~~ and it may be that I took it all, for I hardly ever did anything on the halves when I was there, but if I did take all of it I do not remember, but as I said before it is altogether probable that I took it all.
- 313 Q-Now then read the part of it after the part that you say you recollect taking? A-"On this American Nation, and that we would teach our children and our children's children to do so". I presume I took that oath but if I did I don't recollect it. "It goes on as I read before and states that the penalty for this grip and oath was dis embowellment,-I don't recollect that, although I suppose there was a penalty attached to the oath, but I don't recollect that part of it although it is probable that that was it, and I took it.
- 314 Q-Cross examine the witness.
Cross examination by Mr Southern.
- 315 Q-You say you belonged to the original church? A-Yes sir.
- 316 Q-You were baptized into the original church? A-Yes sir.
- 317 Q-At one time you belonged to the church in Utah? A-Yes sir.
- 318 Q-And left that church about the year-1870? A-Yes sir, that was the time I left them and left Utah ~~xxxx~~ at the same time.
- 319 Q-Now when did you become a member of the re-organized church? A-It was in Utah.
- 320 Q-I did not ask you where you became a member of that church, I asked you ~~xxx~~ when you became a member of it? A-In 1870.
- 321 Q-You became a member of the plaintiff church in this case, which ~~xxxx~~ is the re-organized church in 1870? A-Yes sir in '70.
- 322 Q-And that was in Utah,-it was in Utah that you joined the reorganized church? A-Yes sir.
- 323 Q-When did you leave Utah? A-In the fall.
- 324- Q-In the fall of what year? A-In the fall of that same year that I joined the church I now belong to which was in the fall of 1870.
- 325 Q-That was in the fall after you became a member of the plaintiff church? A-Yes sir.
- 326 Q-Well how long was it after you became a member of the re-organized church that you left Utah? A-Well it was probably about four months. May be something like that.
- 327 Q-Where did you go then? A-After I left Utah?
- 328 Q-Yes sir? A-Well sir I went into Iowa.
- 329 Q-How long did you stay there? A-Well I statved there eighteen or nineteen years I guess.
- 330 Q-At what point in Iowa did you stay eighteen or nine-teen years? A-It was in Shelby County.

- 331 Q-Well were you a member of any church there? A-Yes sir.
- 332 Q-Of what church were you a member? A-I was a member of the re-organized church there.
- 333 Q-That was in Shelby County, Iowa? A-Yes sir. I was a member of the re-organized church all the time I was there, and have been ever since.
- 334 Q-At what point in Shelby County, Iowa were you living? A-At Gallands Grove.
- 335 Q-Have you left there? A-Yes sir.
- 336 Q-When did you leave there? A-I left there, -let me see when it was, -I moved down into Missouri, -well I think I have been in this state going on to four years.
- 337 Q-Whereabouts in Missouri do you live? A-In Worth County.
- 338 Q-At what point in Worth County, Missouri do you live? A-Well it is in the western part of the county.
- 339 Q-Are you a member of the re-organized church there? A-Yes sir.
- 340 Q-Of what church are you a member there? A-The church of Christ denominated the re-organized church.
- 341 Q-Is there any branch there? A-Yes sir.
- 342 Q-Of which you are a member? A-Yes sir.
- 343 Q-What branch is that? A-The branch of Sweet Home, -the "Sweet Home" branch.
- 344 Q-And you reside there now? A-Yes sir.
- 345 Q-When did you come here? A-I came here yesterday evening.
- 346 Q-Upon whose application did you come here? A-On E.L. Kelleys suggestion.
- 347 Q-Was it a suggestion or a request? A-He asked me to come here. He suggested me to come here.
- 348 Q-Now when you were in Salt Lake City you say you took certain endowments? A-Yes sir.
- 349 Q-I believe you say when you took these endowments the out side world was excluded? A-Yes sir.
- 350 Q-It was done in secret? A-Yes sir.
- 351 Q-Now were any body but gentiles excluded from the place at the time these endowments were given? A-Yes sir it was closed to every body but the ones that were in there taking their endowments.
- 352 Q-None but the ones who were receiving their endowments were permitted to remain? A-No sir. Just them and the ones who officiated?
- 353 Q-Was any body entitled to be there, but those? A-No sir, no one to my knowledge.
- 354 Q-Were there any sentinels posted to keep out intruders? A-I cannot tell you, but I don't think there was any occasion for that.
- 355 Q-Well were there any door-keepers? A-Well there might have been, but I don't recollect that there was. There might have been but I did not notice them for I had too much to tend to to notice anything like that.
- 356 Q-Do you know whether the doors were locked or not? A-No sir.
- 357 Q-Is that what you mean, that you don't know whether the out side door was locked or not? A-No sir, I don't know.
- 358 Q-Were you directed not to disclose the method of the endowments? A-Yes sir.
- 359 Q-Did you agree not to do it? A-Yes sir.
- 360 Q-You agreed not to do it? A-Yes sir. I did in certain places. I was only to do it in certain places.
- 361 Q-Only in certain places? A-Yes sir.

362 Q-Was one of these places where it could be divulged, a court room where depositions were being taken? A-
A-No sir.

363 Q-That was not an exception? A-No sir.

364 Q-When you were living in Salt Lake City, would you have disclosed the method of: these endowments?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is immaterial.

A-No sir.

365 Q-When you were living in Salt Lake City, you would not have disclosed the method of these endowments?

A-No sir, not when I was a member of the church. I would not have done so when I was a member of the church.

366 Q-You say that you would not have disclosed them while you were a member of the church? A-No sir.

367 Q-A member of what church? A-The Utah church.

368 Q-Then you kept your promise or obligation while you were a member of the Utah church? A-Yes sir.

369 Q-And when you left it and joined the re-organized

church you violated your promise did you? A-Yes sir.

More so here than any where else too.

370 Q-What do you mean by "more so here than any where else"? A-I mean that I have told more about it here than I have any place else, for I have said but little about the endowments.

371 Q-Then you have violated your obligation more so here than at any other point? A-Yes sir.

372 Q-So you have violated the agreement that you entered into there not to violate or reveal the obligations you took at the time of the taking of these endowments, more to day than you ever did before?

A-Yes sir.

373 Q-That is more than at any other time since you have joined the re-organized church? A-Yes sir, and more than at any time before I joined it.

374 Q-And the penalty for a violation of that obligation was disembowment was it not? A-Yes sir. The penalty was disembowment.

375 Q-Is that the fact? A-What is that?

376 Q-Was that the penalty for revealing or disclosing these secrets? A-Yes sir.

377 Q-Well what were the secrets which you were not to reveal? A-The grips and tokens of the endowments, the grips and tokens of the priest hood.

378 Q-And the obligation was that they must not be disclosed? A-Yes sir they were not to be disclosed. They were not to be divulged at all and that was the penalty that was attached.

379 Q-Under what penalty? A-The penalty of disembowment.

380 Q-Now before you received these endowments, did you swear before you received them that you would not divulge them? A-Yes sir, when I took these endowments I took that oath.

381 Q-Did you take an oath that you would not divulge what you were then receiving? A-Yes sir, I have told you that half a dozen times, and that ought to do.

382 Q-All who were taking the endowments took the same oath, and you were amongst the number? A-Yes sir, we all took it, -I amongst the rest.

383 Q-You were a little in doubt as to whether you took that oath when you were first shown it, were you not? A-Yes sir, and I don't

- remember now that I took all that oath,-that is I don't remember positively about it, but I think I did
- 384 Q-Well you said that you did not make any halves of any thing in those days? A-Yes sir, I generally saw the thing through.
- 385 Q-And therefore you took that oath? A-Yes sir.
- 386 Q-You took the whole thing? A-Yes sir.
- 387 Q-And you kept the obligation while you were living in Salt Lake City? A-Yes sir, I certainly kept the obligation while I was there.
- 388 Q-You left that church because you did not approve of some of its practices and teachings? A-Yes sir.
- 389 Q-Not with reference to the revealing of this obligation,-were you a better man while you lived there in Utah, and did not reveal it, or were you the better man when you come down here to Missouri and reveal it?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and calls for an opinion of the witness.
- 390 Q-Answer the question? A-I think I am a better man now, because I have out grown these secret binding practices, that are put on man irreligiously.
- 391 Q-Is there anything you know of that compels you to disclose that oath? A-No sir.
- 392 Q-There was nothing that compelled you to divulge or disclose that oath? A-No sir there was nothing to compel me to divulge anything. I don't recognize any obligations to disclose anything at all,-there was nothing said about that.
- 393 Q-Neither then at the time you took this obligation, nor at any other time? A-No sir.
- 394 Q-What age were you when you took these endowments in Salt Lake? A-What age?
- 395 Q-Yes sir? What was your age at the time you took these endowments in Salt Lake? A-Well that was in '57 that I took the endowments, and that,-I was born in '26. Yes sir that is right. -I was born in '26 and I took the endowments in Utah in '37.
- 396 Q-You were a full grown man? A-Yes sir.
- 397 Q-At the maturity of all your powers? A-Yes sir.
- x 399 Q-How many children did you have, or did you have any? A-I had three children.
- 400 Q-Did you have your wife take these endowments? A-Yes sir.
- 401 Q-You both took them at the same time,-is that the fact? A-Yes sir.
- 402 Q-Well after you took them, as you say you took them in 1857, you remained a member of the same church that administered these endowments until 1870? A-Yes sir.
- 403 Q-Did you know that the church all that time practiced polygamy? A-No sir.
- 404 Q-You did not know that it practiced polygamy? A-No sir I did not know it.
- 405 Q-Well did it in fact? A-Practice polygamy?
- 406 Q-Yes sir? A-I heard it did.
- 407 Q-Well did it in fact practice polygamy? A-I suppose it did. I heard it did, and I have no reason to doubt the fact.
- 408 Q-But you did not practice it? A-No sir. I did not.
- 409 Q-Well did you know any body else that belonged to the church and that did not practice it? A-A great many people belonged

398 Q-You had a wife and family then? A-Yes, sir.

- to the Utah church that did not.
- 410 Q-Did not what? A-Did not practice polygamy.
- 411 Q-About how many men,-how many members belonged to the church at the time you were living there,-say at the time you left? A-What time?
- 412 Q-Say in 1870? A-Well I could not say. I could not tell you.
- 413 Q-Did the greater portion of the membership of the Utah church while you were a resident of Utah and a member of that church, practice polygamy? A-No sir. I don't know think there was anything like the greater portion of them practiced it. I was acquainted with a great many that did not practice it I know.
- 414 Q-You knew a great many that did not practice it? A-Yes sir.
- 415 Q-How about your being acquainted with people that did practice it? A-Well I was acquainted with some.
- 416 Q-Some people that practiced polygamy? A-Yes sir.
- 417 Q-About how many people were you acquainted with that they said practiced polygamy? A-Well I was acquainted with a great many men that they said had more wives than one.
- 418 Q-Who said it? A-The men that had the wives.
- 419 Q-How many of that class were you acquainted with? A-Well I was acquainted with a good many of them.
- 420 Q-With how many men were you acquainted that it was said had more wives than one? A-Well I could not tell the number.
- 421 Q-That was when you were living in Utah? A-Yes sir.
- 422 Q-Well you did not object very seriously to polygamy then did you? A-Yes sir I did. I objected to the secrecy of it. I never liked or approved of the idea that it was practiced, and that was one of the reasons -the main reason I may say,-that I left the church.
- 423 Q-You objected to the secrecy of it, but you did not object to the practice of it? A-I have answered that. My answer to that is that I objected to the practice of it at all in any way.
- 424 Q-Did you regard it as a heinous sin? A-At that time
- 425 Q-Yes sir? A-No sir, and I don't know that I did.
- 426 Q-How did you regard it from a religious stand point? A-From what was written in the standard books of the church I saw that it was condemned by these standard books, and therefore I did not approve of it. I saw that it was not approved, and therefore I did not approve of it, and I objected to it for that reasons, and because I considered it did not tend to good morals.
- 427 Q-At what time did you understand that the Utah church practiced polygamy at first? A-What is that?
- 428 Q-When did you first understand that the Utah church practiced polygamy? A-Well it was only hearsay with me, but I understood that it was about from the year '48.
- 429 Q-Is it not a fact that a great deal of this you have been testifying to here about what the church was only hearsay? A-Yes sir, a good deal of it, but not all of it by any means.
- 430 Q-Well then what did you understand from hearsay that the church ~~first practiced polygamy~~ in Utah first practiced polygamy? A-Well from hearsay we heard in Texas that they practiced it in Nauvoo.
- 431 Q-And when you heard that you left Texas and went there? A-No sir.
- 432 Q-You did not? A-No sir.
- 433 Q-Is that not what you stated on your direct examination? A-No sir. I said I started from Texas and went to the Indian Territory.

- and was there a while, and then from the Indian Territory I went to Utah.
- 434 Q-That is what you stated? A-Yes sir.
- 435 Q-Where did you get your first lessons in polygamy? A-In Texas.
- 436 Q-That was where you were first taught the principle of polygamy? A-Yes sir. Well no sir it was not either, -it was not there iether, -not the first lessons?
- 437 Q-Well where did you first receive instruction or information about that principle? A-In 1845.
- 438 Q-Where I say? A-In Wisconsin.
- 439 Q-Under Whom? A-Under Lyman Wight.
- 440 Q-He was your leader, -the head of the branch or faction you were with? A-Yes sir.
- 441 Q-He was the one that taught it to you? A-Yes sir.
- 442 Q-And that was in Wisconsin in 1845? A-Yes sir.
- 443 Q-Did any body else teach it to you at that time? A-No sir.
- 444 Q-Was there a man by the name of Miller there? A-No sir, he was not with us at that time.
- 445 Q-When was Miller with you, and where? A-He was with us in the year '42 and came down with us in the fall of '38.
- 446 Q-In '38? A-He came down with us in the fall of '33.
- 447 Q-Down where? A-Down to Nauvoo.
- 448 Q-Do you mean '38? A-Yes sir, he came down with us in the fall of '38, -the fall or winter, for it might have been in the winter. He came down from Wisconsin.
- 449 Q-Well I think you mean '43, do you know not mean '43 instead of '38? A-Yes sir, that is right. I was mistaken. I meant '43 instead of '38.
- 450 Q-Well I thought you were mistaken therefore I wanted you to correct it. You meant the year '43 instead of '38 as you stated it? A-Yes sir.
- 451 Q-Now you knew this man Miller at that time? A-Yes sir.
- 452 Q-Did he practice polygamy at that time? A-Not that I am aware of.
- 453 Q-Were you intimate with him? A-Yes sir.
- 454 Q-Well was he a polygamist at any time? A-When we went to Texas he claimed to have more than one wife when he came to us at that point.
- 455 Q-He claimed to have wives? A-Yes sir.
- 456 Q-More than one wife did he claim that? A-Yes sir.
- 457 Q-At what time did he come to you? A-He came there in '37, -no it was in '47. I get these dates mixed, -when I say '38 I mean '48 and when I said '37 I meant '47.
- 458 Q-Now where did he get his wives? A-He got them at Salt Lake and in winter quarters I suppose.
- 459 Q-Do you know whether he came from Nauvoo or from Salt Lake at the time he came to where you were there in Texas? A-Well I do not know how he travelled, only that he said he left Nauvoo with the emigration, and went to winter quarters, and from there he went to Texas.
- 460 Q-He said he went from winter quarters to Texas? A-Yes sir, that is what he said.
- 461 Q-Did you see him when he arrived in Texas? A-Yes sir.
- 462 Q-Did he have a family? A-Yes sir.
- 463 Q-Did he have several wives with him? A-Yes sir he had several women with him that he said were his wives.
- 464 Q-Well how many did he have? A-You were there at the time and of course

would have an interest in the arrival of a man who was practicing polygamy according to his own confession, and who had his wives with him? A-I don't know, -I don't remember.

465 Q-Of course you had an interest in a man who was trying to re-inforce the church in that way, therefore you ought to be able to remember the number of women he had with him in his moving harem so to speak. A-Let me see, -I do remember now, -he had three.

466 Q-You knew him before that, -that is you knew this man Miller at the time he came there? A-Certainly.

467 Q-Did he become a member of the church there in Texas, -did he join the branch there? A-Yes sir.

468 Q-He joined the branch there of which you were a member? A-Yes sir.

469 Q-And this was in Texas? A-Yes sir.

470 Q-Did he bring a certificate of membership that time before he joined the ~~xxxxxx~~ branch? A-Not that I remember of. I don't think it was necessary for him to have a certificate as it was well known that he was a member, and I think he was coupled with Lyman Wight on that mission there, and that was the reason he came there.

471 Q-Who ~~coupled~~ him with Lyman on that mission? A-Joseph.

472 Q-What Joseph? A-Joseph the prophet and seer.

473 Q-Joseph the seer coupled Lyman Wight with Miller on that mission? Is that it? A-Yes sir, that is my understanding of it.

474 Q-Then is it a fact that Lyman Wight and Miller being coupled with him, went out to preach the doctrines of the church as missionaries under the authority of Joseph Smith the Seer? A-Yes sir. That was so understood. That was the understanding I had of it.

475 Q-Were you with them in that capacity to any extent? A-I was with Lyman Wight in Texas when he came there.

476 Q-Did you not go there with him? A-Yes sir, that is what I stated before.

477 Q-You went to Texas with Lyman Wight? A-Yes sir.

478 Q-Where did you go from to Texas? A-From Wisconsin.

479 Q-Where did you go from to Wisconsin? A-From Nauvoo.

480 Q-You went from Nauvoo to Wisconsin, -is that correct? A-Yes sir.

481 Q-And from Wisconsin to Texas? A-Yes sir.

482 Q-What year, and what time in the year did you leave ~~Wisconsin to go to Nauvoo~~ to go to Wisconsin? A-We left Nauvoo to go to Wisconsin in the fall of '44.

483 Q-In the fall of '44? A-Yes sir.

484 Q-And you and all received your instructions from Joseph Smith before he was killed, had you not? A-Well I understand that George Miller and Lyman Wight had received their instructions from him, -that is what I understood.

485 Q-From him before he was killed? A-Yes sir, -they could not very well receive them after he was killed.

486 Q-How many went with Lyman Wight? A-There was about one hundred and fifty souls, -about that number.

487 Q-By whom were they designated to go? A-They were sent by Joseph Smith.

488 Q-The ones that went were selected by Joseph Smith? A-Yes sir, that is my understanding.

489 Q-How were they designated or selected? A-The instructions were that George Miller and Lyman Wight should take the Black River country and take a mission there, and afterwards it was changed to

- Texas, and we were all coupled together on that mission. We were all coupled on that mission.
- 490 Q-Now you say that the first place you heard of polygamy was in Wisconsin? A.-Yes sir.
- 491 Q-From whom did you first hear of it there? a-Lyman Wight.
- 492 Q-Did Lyman Wight have any of his plural wives with him in Wisconsin? A-Yes sir.
- 493 Q-He had one there? A-Yes sir.
- And I believe you stated that you paid some attention to her at one time, did you not? A-~~Yes~~ ~~xxx~~. No sir.
- 495 Q-I understood you to make that statement? A-Well you mis understood me then.
- 496 Q-Well that is what I understood you to say, and I would like to know if I am wrong about that? A-Yes sir, you are wrong.
- 497 Q-Well what was it you said about that woman that you paid attention to? A-I said that there was a girl in the company that I paid some attentions to, and he sealed her to somebody else.
- 498 Q-How did you find out that he had sealed her to some body else? A-Well I found it out.
- 499 Q-Well I want to know how you learned that he had sealed her to some body else? A-Well it leaked out in some way.
- 500 Q-Well how did it leak out? A-By some one telling that she was a married woman.
- 501 Q-And then you quit her? A-Yes sir, I paid no more attention to her after that, for I did not want to be paying attentions to another man's wife.
- 502 Q-Well, but I understood you to say that she was only a spiritual wife? A-Well I used that term, for the reason that at that time a multiplication of wives was called spiritual wives. The extra wife was called the spiritual wife, or a plural wife, and she was a plural wife.
- 503 Q-Do you mean by that that she lived in polygamy, - sustained a polygamous relation with the man to whom she was sealed? A-Yes sir, I mean by that that she was living with a man that had another wife at the same time.
- 504 Q-Then you knew these things before you went with Lyman Wight to Texas? A-~~Yes~~ I did.
- 505 Q-And knowing these things to be facts, yet you went these with him? A-Yes sir.
- 506 Q-You knew of all this polygamy business before you went with him to Texas? A-Yes sir. I knew of these three cases that I have told you of. I knew of them before I went to Texas.
- 507 Q-Well sir I must compliment you on the way you are testifying for you are testifying very candidly, and not letting anything prevent you from ~~xxxxxx~~ telling the truth? A-Yes sir that is what I am striving to do.
- 508 Q-And you are not keeping anything back? A-No sir, nothing that I am aware of.
- 509 Q-Now can you tell me of any more cases where men had plural wives other than these three cases you have mentioned? A-No sir.
- 510 Q-Any one that practiced polygamy? A-No sir.
- 511 Q-I mean in that faction that went to Texas? A-No sir.
- 512 Q-You did not object to going with them to Texas? A-No sir. I did not object.
- 513 Q-You did not object to leaving them and going to Salt Lake either because they were polygamists out there? A-No sir.

- 514 Q-All this occurred along between 1845 and '44 and 1856? A-Yes sir.
- 515 Q-You were in the prime of your life at that time? A-Yes sir.
- 516 Q-At the time that men are supposed to be in the prime of their life? A-Yes sir.
- 517 Q-When did you get your wife? A-I got my wife in '48
- 518 Q-And that was before you went to Salt Lake? A-Yes sir
- 519 Q-When did you say you went to Salt Lake? A-I went to Utah in '56.
- 520 Q-You took your wife with you? A-Yes sir.
- 521 Q-Now you took some endowments both in Texas and Salt Lake? A-Yes sir.
- 522 Q-How long had you been in Utah ~~xxxx~~ before you took your endowments you speak of? A-Did you say in Utah?
- 523 Q-Yes sir? A-At Salt Lake City?
- 524 Q-Yes sir, if that is where you took the endowments in Utah? A-I had been there pretty near a year at the time, -it was in '57 that I took the endowments there in Salt Lake.
- 525 Q-Now I understand you to have said that you have not been similar endowments like those you took ~~at~~ in Salt Lake City, since you left there? A-I don't understand that question.
- 526 Q-Did you say that you had not seen any endowments like those you took at Salt Lake City, since you left there? A-I said that the endowments given at Salt Lake were not like these that Lyman Wight gave.
- 527 Q-Were they like anything else in the way of endowments that you have seen since you left Salt Lake City? A-No sir I have not seen anything like that.
- 528 Q-That is you haven't seen anything since you left Salt Lake City, like the endowments you took while there? A-No sir.
- 529 Q-Well what have you seen in the way of endowments since you left there? A-Nothing only the endowment of the Spirit.
- 530 Q-What is that? A-If a man does the law of the Father, he has the promise of the life that now is and the life that is to come and the endowment of the Spirit will come in that way.
- 531 Q-You have taken that endowment? A-Yes sir.
- 532 Q-Since you left Salt Lake? A-Yes sir.
- 533 Q-Is that the only endowment you have taken since you left Salt Lake? A-Yes sir.
- 534 Q-Now what have you been taught by that? A-I have been taught that all these things that lead to polygamy, and these things which are not in keeping with the law are not of God. That is what I have been taught.
- 535 Q-Well tell me the positive things that you have been taught since you left Salt Lake? A-The endowments that I have received since I left Salt Lake have given me to understand that I am strictly in the path ~~xx~~ of duty, and if I continue in that path I will ultimately attain eternal ~~w~~ life at the end of the race. That is what it teaches me, and the consciousness that that will be the result assures me that I am in that path.
- 536 Q-Have you ever received any endowment with reference to the doctrine that you must believe? A-No sir.
- 537 Q-Nothing of that kind has been received by you? A-No sir.
- 538 Q-Have you ever received any endowment with reference to foot washings since you left there? A-Since I left Salt Lake?
- 539 Q-Yes sir? A-No sir.

- 540 Q-Have you at any time received any endowment with reference to anything else since you have been there?
A-No sir. Benn where?
- 541 Q-Since you left Salt Lake? A-No-sir.
- 542 Q-Just this one endowment? A-Yes sir, just the endowment of the Spirit that is all.
- 543 Q-How do you know you received that endowment? A-I know it.
- 544 Q-Well how do you know it? A-I know it by the revelation of Jesus Christ.
- 545 Q-That is one that you know you have received since you left Salt Lake City? A-Yes sir. I had received it before too, but not in so great a degree.
- 546 Q-Well were you in possession of that endowment when you were in Salt Lake? A-Yes sir.
- 547 Q-You were in possession of that endowment there?
A-Yes sir, I can say I was.
- 548 Q-Can you say the same thing in relation to your connection with the Lyman Wight church in Texas? A-Yes sir, for I received a portion of the Spirit when I was first baptized, and I kept it with me through it all.
- 549 Q-That baptism you regard as an endowment? A-Yes sir
- 550 Q-You were first baptized you told us I believe, in Ray County in this state? A-Yes sir, over across the river from here.
- 551 Q-When were you next baptized? A-I was next baptized in Salt Lake City or before that.
- 552 Q-What is that? A-I said I was next baptized in Salt Lake City in Utah.
- 553 Q-Did you not say before that? A-Yes sir.
- 554 Q-Before you went to Salt Lake City? A-Yes sir.
- 555 Q-Well now when were you next baptized after you were baptized the first time over here in Ray County?
A-I was next baptized in the Cherokee Nation in the Indian Territory.
- 556 Q-Who baptized you there? A-An elder from Utah.
- 557 Q-You were baptized the next time after you first baptism over in Ray County, which was the first time you were baptized, -you were the next time baptized by an elder from Utah in the Cherokee Nation in the Indian Territory? A-Yes sir.
- 558 Q-Who was he? A-The elder that baptized me?
- 559 Q-Yes sir? A-Henry Miller.
- 560 Q-Well were these two baptisms all you received?
A-Oh no, I was baptized again after that.
- 561 Q-Well when were you baptized the next time? A-I was baptized ~~xxxx~~ again after I ~~xxxx~~ arrived in Utah.
- 562 Q-That makes three times you were baptized? A-Yes sir
- 563 Q-Were you baptized any more after you got to Utah?
A-Yes sir.
- 564 Q-Well when were you baptized again after that first time in Utah? A-Oh to enumerate them all I can't do it. I have been baptized a number of times, and I cannot enumerate them all.
- 565 Q-About how many times? A-I don't know how many times.
- 566 Q-When were you baptized the next time after you left Utah? A-I was never baptized after I left Utah.
- 567 Q-You were not? A-No sir.
- 568 Q-Then upon that baptism were you received into the re-organized church? A-I was baptized into the re-organized church, ~~xxxx~~ before I left there.
- 569 Q-You were baptized into the re-organized church in Utah? A-Yes sir.

- 570 Q-Where were you when you were baptized into the Utah church? A-I was baptiz ed into the Utah church in the Indian Territory at the time I told you, and then I was baptized again when I got there.
- 571 Q-When were you baptized originally? A-In '37.
- 572 Q-That was in Ray County, Missouri? A-Yes sir.
- 573 Q-Then you were re-baptized the next time ~~xxx~~ I believe you stated in the Indian Territory? A-Yes sir.
- 574 Q-In the Cherokee Nation as you expressed it? A-Yes sir.
- 575 Q-By an elder in the Utah church named Miller? A-Yes sir.
- 576 Q-And next where? A-In Salt Lake City.
- 577 Q-That was in the Utah church was it not? A-Yes sir.
- 578 Q-And next you were baptized into the re-organized church? A-Yes sir.
- 579 Q-And you were baptized into the re-organized church in Salt Lake City also? A-Yes sir.
- 580 Q-Now can you explain to me, why, if your baptism was good in Ray County, was it necessary to baptize you again, -over again, -into the re-organized church? A-Well I don't know that I can explain that or the reason for it, any more than it seems to be a common practice amongst the people.
- 581 Q-Sir, -what is that? A-I said it seemed to be a common practice amongst the people.
- 582 Q-What seemed to be a common practice amongst the people? A-To be baptising them. The people were all more or less in the dark about it, and I might be more or less in the dark too, and so to make sure and have everything all right that was the practice.
- 583 Q-To make sure of it they were all baptized over again? A-Not all but the ones who had been baptized into the Utah church were re-baptized again before they were admitted into the re-organized church, but I understand it is not necessary in the case of parties who were baptized into the original church before the death of Joseph Smith, and who have never become identified with the Utah church or any ~~faction~~ other faction of the original church after the death of Joseph the Seer.
- 584 Q-That is your understanding of the practice in that regard? A-Yes sir.
- 585 Q-Then how many churches have you belonged to? A-Well I would have to count them up before I could answer?
- 586 Q-You can't say? A-I can't answer without counting them up.
- 587 Q-Well let us do some counting? A-Very well, -go ahead.
- 588 Q-You were baptized first into the old original church in Ray County in 1837? A-Yes sir. I was baptized into the church at that time, but that was not the first time I was baptized, for I was first baptized into the Methodist church.
- 589 Q-That was by effusion(???) A-That was by sprinkling.
- 590 Q-Then when were you next baptiz ed? A-Then I was baptized into the church of Christ in Ray County, -that was the second time I was baptized in my life, but the first time I was baptized into the church of Christ.
- 591 Q-That was the church of the same name that these defendants belong to? A-It was the Church of Christ, denominated "Latter Day Saints".
- 592 Q-Was there a church at that time denominated "Latter Day Saints"? A-Yes sir.

- 593 Q-In what year was that? A-That was in '37.
- 594 Q-That was the time you were baptized into the church you have mentioned? A-Yes sir.
- 595 Q-Then in what church were you baptized in 1837? A-In Ray County, -i s that where you mean?
- 596 Q-Yes sir, in what church were you baptized, -into what church was you baptized in Ray County in 1837? A-In the Church of Christ" denominated "Latter Day Saints"
- 597 Q-Then you were baptized next into what church? A-I was baptized you might say the next time into the "Brighamite church".
- 598 Q-What church is that? A-Well it was called by a good many people the "Brighamite" church, or the Utah church.
- 599 Q-That was the time you were baptzied in the Indian Territory? A-Yes sir.
- 600 Q-Now you called it the "Brighamite church", now what was that church denominated? A-In what way.
- 601 Q-If these others we called Latter Day Saints, what was the Brighamite church denominated at that time? A-The church of Jesus Christ of Latter Day Saints.
- 602 Q-It was a Latter Day Saints church too? A-Yes sir, -that is the title which I ahve given you.
- 603 Q-And that is what it was termed at that time? A-Yes sir.
- 604 Q-Well now you were baptized into what church at the time you were first baptized in Utah? A-In Utah?
- 605 Q-Yes sir? A-The same church, -I don't know that that was a baptism into any church at all. I told you that I was baptized after I got to Utah for the re-mission of sins for any little sin I might have committed in crossing the plains getting there. It was presumed that people could not very well that that trip without committing sin of some kind, and so all were baptized again after they got there, but my understanding was that that baptism was for the re-mission of sins.
- 606 Q-Well what church were you baptized into the next time? A-In Utah?
- 607 Q-Yes sir? A-When I first went to Utah?
- 608 Q-No sir, -I mean after you left the Utah church? A-It was the Church of Christ, denominated the "Re-organized church of Jesus Christ of Latter Day Saints"
- 609 Q-That was the last time you were baptized? A-Yes sir.
- 610 Q-So you have had quite an experience in the line of baptism? A-Yessir.
- 611 Q-Were you ever baptized for any particular, specified purpose after that time? A-I was baptized for my health once.
- 612 Q-Were you ever baptized for anything else? A-Yes sir, for the re-mission of sins.
- 613 Q-Is that all? A-Yes sir.
- 614 Q-That is all? A-Yes sir.
- 615 Q-You have faith in that baptism? A-Yes sir.
- 616 Q-What were you baptized for the other time? A-Well the ceremony was the same.
- 617 Q-Well what was it for? A-Well it was caused for a certain class claiming to be a leader, and they wee to be baptized when they came in under that organiza-tion.
- 618 Q-What class was that? A-Well that was Lyman Wight, -he claimed to be leader, and there was Brigham Young, he claimed to be leader and there was a lot more of them.

- 619 Q-They claimed to be the true leaders of the church after the death of Joseph Smith? A-Yes sir.
- 620 Q-Well let that pass, -Now when you left Brigham Young there, you were baptized again? A-Yes sir.
- 621 Q-Were you ever baptized for the dead? A-No sir.
- 622 Q-Did you ever see any body baptized for the dead? A-Yes sir.
- 623 Q-Yes you say? A-Yes sir.
- 624 Q-Well where did you see that? A-In Montrose.
- 625 Q-Any where else? A-Yes sir, in Nauvoo and in Texas
- 626 Q-Well where is Montrose? A-It is or was right opposite Nauvoo in Iowa.
- 627 Q-At what time was that? A-That was in '43.
- 628 Q-And in what church was that? A-The same church.
- 629 Q-Well what church was it? A-The church of Jesus Christ of Latter Day Saints. The old church.
- 630 Q-Did the old church baptize for the dead? A-Yes sir.
- 631 Q-That was the church of which Joseph Smith was the President? A-Yes sir.
- 632 Q-And in his life time? A-Yes sir.
- 633 Q-It baptized for the dead? A-It did.
- 634 Q-Did Lyman Wight's church baptize for the dead? A-It did.
- 635 Q-Lyman Wight also did? A-Yes sir.
- 636 Q-Did the Utah church baptize for the dead? A-Well I suppose so, but I never witnesses any baptism for the dead while there.
- 637 Q-Does the re-organized church, of which you are now a member, baptize for the dead? A-I never witnessed it if they do.
- 638 Q-You are a teacher in the re-organized church? A-Yes sir.
- 639 Q-Just state what your position is in the re-organized church? A-I am an elder.
- 640 Q-Do you preach? A-Yes sir.
- 641 Q-Do you baptize also? A-I do.
- 642 Q-Well you may state if you have ever known of any baptisms for the dead in the re-organized church? A-No sir.
- 643 Q-Do they in fact baptize for the dead? A-If they do I never witnessed it.
- 644 Q-Well is not the question, -do they baptize for the dead in the re-organized church? A-I never heard of their doing so, and I never saw any baptisms for the dead in this church that I now belong to, -that is the re-organized church.
- 645 Q-You never heard of the re-organized church baptizing for the dead? A-No sir.
- 646 Q-But you have heard of Joseph Smith's church baptizing for the dead? A-Yes sir.
- 647 Q-And have seen that ceremony performed in his day? A-Yes sir.
- 648 Q-Now is the church you now belong to, and the church of which Joseph Smith was a president, alike in that respect?
- Counsel for the plaintiff objects to the question asked the witness on the ground that it is immaterial, and incompetent, and calls for an opinion of the witness.
- 649 Q-Answer the question? A-What is it?
- 650 Q-Is the old church which existed at Nauvoo, Illinois, during the life time of Joseph Smith, and the reorganized church to which you now belong, alike in respect to the question of baptism for the dead? A-That ordinance is not practiced in the re-organized church at the present time, but the reorganized church, is ready and willing to perform its duty in that particular when the time and

place presents itself for performing it. They believe in it and I understand will practice it when the proper time arrives for so doing. That is all the answer I have to give to that question.

651- Q-But they don't practice it now? A-No sir.

652 Q-And they never have done it yet,-that is they never have practiced it yet? A-That is my understanding.

653 Q-That they have not? A-Yes sir, that they have not for the reasons I have given.

654 Q-You say they believe in it, and will yet do it?

A-Yes sir, but they believe the time for doing it must be designated by an higher power than man,- that is that the time when they shall do it shall be designated by a higher power than man.

655 Q-Well the old church with Joseph the Seer presiding over it, did perform the ordinance of baptism for the dead,-Is that not what you stated? A-Yes sir, that is what I said.

656 Q-You saw that done yourself? A-Yes sir, I witnessed him baptizing for the dead.

657 Q-Well are the two churches,-the old church over which the prophet and seer presided, and the present re-organized church, alike in that respect?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and calls for an opinion of the witness.

A-No sir they are not alike in respect to the actual performance of the baptism for the dead?, but the

teachings and doctrines are the same.

658 Q-Is it right to teach a doctrine and not practice it? Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A-No sir.

659 Q-It is not right to teach a doctrine and not practice it? A-No sir.

660 Q-Then why do you teach the doctrine of baptism for the dead if you don't practice it? A-We don't teach the doctrine of baptism for the dead at the present time.

661 Q-Does any one in the re-organized church teach it? A-Not at the present time.

662 Q-Do you know what confirmation is in the church? A-I think I do.

663 Q-Is that an endowment? A-Well yes, it might be called an endowment.

664 Q-Were you ever confirmed? A-Yes sir.

665 Q-When were you confirmed? A-In '37.

666 Q-Into what church were you confirmed? A-Into the church of Christ.

667 Q-Were you ever confirmed afterwards? A-Yes sir.

668 Q-Into what church? A-Into the church,-the "Brighamite church".

669 Q-Were you ever confirmed after that? A-Yes sir.

670 Q-Into what church were you confirmed? A-The re-organized church.

671 Q-Well now if the church you joined in 1837 was the same church that you joined in 1870,-the last time,- what use was there in your being confirmed at all,- what was the necessity for your confirmation in the re-organized church? A-Well I think I have answered that question. I think I have told you it was because of the different leaders leading off portions of the church that had their institution, and those that came in after being with these different leaders.

- must come in through that door,--by being baptized and re-confirmed, and I was one that had to do that.
- 672 Q-At the door of the church? A-Yes sir.
- 673 Q-Do you remember what the name of the church was that you were confirmed into when you were last confirmed? A-When I was last confirmed?
- 674 Q-Yes sir,--what was the name of the church that you were confirmed into the last time? A-Yes sir.
- 675 Q-Well what was it? A-I was confirmed a member of the re-organized church.
- 675 Q-The "re-organized church" of what? A-Of Jesus Christ.
- 676 Q-The re-organized church of Jesus Christ of Latter Day Saints was it not? A-The church of Christ, denominated the re-organized church of Christ of Latter Day Saints.
- 677 Q-What was said at the confirmation if you remember it? A-It was something like this "I confirm you a member of the church of Christ".
- 678 Q-Well is that all that was said? A-No sir.
- 679 Q-Well what else was said? A-It was the confirming of the Holy Ghost, or sealing of the Holy Ghost.
- 680 Q-Was that language used to you at any time? A-Yes sir.
- 681 Q-Where? A-In Missouri.
- 682 Q-When you were last confirmed? A-Yes sir.
- 683 Q-Well was that language used to you at any other time? A-Yes sir.
- 684 Q-I mean at any other time before that? A-Yes sir.
- 685 Q-It was? A-Yes sir.
- 686 Q-Well when was it used before that last time? A-Every time I ever was baptized.
- 687 Q-Always the same language? A-Yes sir.
- 688 Q-The same identical language was used ever time? A-Well about the same language.
- 689 Q-The word "re-organized" was used the last time you were confirmed? A-No sir I don't know that it was.
- 690 Q-Well do you say it was not? A-No sir,--it might have been, and it might have been used,--I don't recollect.
- 691 Q-Do you confirm people now? A-Yes sir.
- 692 Q-In what church do you confirm them?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, ~~irrelevant and~~ irrelevant and not proper cross examination.
- A-I confirm them a member of the church of Christ denominated the Latter Day Saints.
- 693 Q-Is that the phraseology you use? A-That is the language I use.
- 694 Q-Do you use the word "^{organ}re-organized" at all? A-No sir, but it all understood. Every body understands that that is the name we are incorporated under.
- 695 Q-But do you not use that word "re-organized" when confirming people as members of the church? A-No sir.
- 696 Q-When did you last live at Nauvoo,--when were you there the last time? A-In '44.
- 697 Q-What time in '44? A-In the fall of '44.
- 698 Q-In the fall of 1844 was the last time you were at Nauvoo? A-Yes sir.
- 699 Q-Why did you then leave Nauvoo? A-We left there then to go

- back to Wisconsin.
- 700 Q-Well what did you go to Wisconsin for that time? -
you did not remain there? A-We went back to Wisconsin to get the outfit to go down to Texas.
- 701 Q-Was anything said about polygamy at Nauvoo at the time you left there in '44? A-No sir.
- 702 Q-There was nothing said about it at Nauvoo at that time, -is that your testimony? A-There was not any thing said about it to my knowledge.
- 703 Q-Did any of them that went through with you to Wisconsin carry plural wives with them? A-No sir.
- 704 Q-Where did they get their plural wives then, you know say they did not take them with them? ^{and I would like to know} A-In Wisconsin that is where they got them.
- 705 Q-Do you know that to be a fact? A-Well I don't know that I can say that it is a fact, I can't say that I knew it to be a fact that they got them there for I did not see any of them sealed, for as I said before the first I knew of it was in '45.
- 706 Q-Now what communication did you have, if any, with Nauvoo, at the time you were in Texas with Lyman Wight Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.
- A-Well I was not personally a witness of any communication that was received from Nauvoo, if there were any received, but we could hear from Nauvoo in the way of the news that would be floating around over the country, and through the papers too.
- 707 Q-Were there any reports made to Nauvoo, that you know anything of? A-No sir, Lyman did not make any reports to Nauvoo while we were there.
- 708 Q-Why? A-Because we had broken off from that church there. We did not have anything to do with the church at Nauvoo, because we had broken off.
- 709 Q-Lyman Wight had broken off? A-Yes sir.
- 710 Q-Why did he break off? A-I could not say, -because we did not agree with them and the way they were doing I suppose.
- 711 Q-When did that break occur? A-In the fall of '44.
- 712 Q-I understood you to say that you went to Texas under orders of Joseph Smith, the seer? A-Yes sir, but that was before his death that he gave these orders, for we had orders to go to Texas for quite a while before we went.
- 713 Q-Well I understood you to say that that was the orders? A-Yes sir that is correct.
- 714 Q-Well now if Lyman Wight broke off from the church at Nauvoo, how did he break off? A-Well he broke off as I understood it because he became dissatisfied with Brigham Young, and he thought that Brigham was usurping authority that did not belong to him and he was going to Texas, which was a long way from Nauvoo, and he concluded that Brigham and the church were there were acting without authority, that he would refuse to have anything to do with them, and that is what he did.
- 715 Q-He became dissatisfied ~~xxxxxxx~~ because Brigham Young was practicing polygamy? A-No sir, I don't know that that was the reason. That was not the reason that I know of.
- 716 Q-He did not object to him at that time? A-No sir, on that ground.

where they got them, for you said they had them.

- that he never advocated the claims of Brigham Young at any time to be the head of the church, and on the contrary he opposed his claims and broke off from the church at Nauvoo, because he thought they were usurping authority that did not belong to them.
- 717 Q-What time are you speaking of? A-I am speaking of the time that we left Nauvoo, and went to Wisconsin.
- 718 Q-Well I am speaking of the time you went to Texas? A-Well it was in '45 or '46 that we went there.
- 719 Q-When you went to Texas from Wisconsin, did you go by Nauvoo? A-No sir, we came by Davenport. We came down the river to that place and sold our boats there and got our outfits there for Texas.
- 720 Q-What outfit did you get there? A-We got our teams there. ~~xxx xxx xxxxxxxxxx~~ We got whatever we needed there to complete our outfits.
- 721 Q-Did you go on the river any further than that point? A-No sir we left the river there.
- 722 Q-What point did you say that was? A-Davenport.
- 723 Q-Well what did you do then? A-We bought our teams there, and made waggons and went over land to Texas.
- 724 Q-Did you ever know one William Marks? A-Yes sir, I was acquainted with him.
- 725 Q-When were you acquainted with him? A-I was acquainted with him when I was a boy in Nauvoo.
- 726 Q-When you were a boy in Nauvoo you were acquainted with William Marks? A-Yes sir, I got acquainted with him, but I was acquainted with him after that. I first knew him when I was a boy.
- 727 Q-Where did you know him afterwards? A-I knew him in Plano after we left Nauvoo. I knew him then in Plano, Illinois.
- 728 Q-When was that? A-Well I was there in '68. It was in '68 that I saw him in Plano.
- 729 Q-Then when did you see him after that? A-William Marks?
- 730 Q-Yes sir? A-I never saw him after that.
- 731 Q-Did you ever talk with him about the church? A-Yes sir I believe so.
- 732 Q-Where did you talk with him about the church? A-I talked with him some in Nauvoo. I talked with him some there about the church.
- 733 Q-Did you ever talk with him about the church, and about Joseph Smith in connection with the practice of polygamy? A-No sir I never introduced the subject of polygamy to him, or he to me. Well now I believe we did too, -and I believe there was something said about it between us.
- 734 Q-You said you never introduced the subject of polygamy to him? A-I never did.
- 735 Q-Did he introduce it to you? A-Well slightly I believe he did.
- 736 Q-Then why do you make your answer that way, -that you, -that he ~~xx~~ never introduced the subject to you when you know he did introduce it to you? A-Well he said like this that he knew the thing was practiced, but he did not know how far it was practiced.
- 737 Q-By the "thing that was practiced" he referred to, and you mean the practice of polygamy? A-Yes sir.
- 738 Q-There at Nauvoo? A-Yes sir.
- 739 Q-At what time?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.
- 740 Q-At what time did he ref to as to polygamy being practiced at Nauvoo?

A-At what time?

741 Q-Yes sir? A-Well it was before Joseph's death?

742 Q-Well did he say it was before Joseph's death?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.

A-What is that?

743 Q-Well did he say it was first practiced at Nauvoo?

A-I don't know,--he said,-----

744 Q-Well go ahead and make your answer? A-He told me that Joseph came to him at one time, and said to him, "Brother Marks I am glad that you have not received the teachings of this doctrine, for we have got to go to work" he said and put down this wicked practice, and I want you to call the High Council together, and I will prefer charges against these members of the church who have entered into this practice of plural marriage, and if they do not repent they will be expelled from the church". Now that is what he said to me, and shortly after that he was arrested and taken to Nauvoo,--I mean to Carthage. He said that he had been approached about this matter,--that is about the matter of plural marriage and he had refused to have anything to do with it, and that he wanted the High Council called together to take action on the cases of the members of the church who had violated the marriage law in taking plural wives, and that he would prefer charges against them.

By Mr Kelley,--

745 Q-Who said that? A-William Marks.

746 Q-That is what he told you? A-Yes sir, that is what he told me that Joseph Smith told him before his death.

By Mr Southern,--

747 Q-Why did he say he refused to have anything to do with it? A-Because he would have nothing to do with practicing it.

748 Q-Did he say anything with reference to Joseph personally practicing it? A-No sir.

749 Q-Did he say anything about Joseph knowing that it was practiced? A-No sir he said nothing further than that they had this conversation about it, and that Joseph said there were persons practicing it, and that they would be cut off from the church if they did not stop it at once, and repent of their wicked practice, and that he would prefer charges against them before the high council, but he was murdered before he had time to do it,--that is what Marks told me.

750 Q-Was there a revelation with reference to polygamy spoken of?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.

751 Q-Had the revelation ever been spoken of at that time? A-I don't know. There was no revelation spoken of at that time between us.

752 Q-Well when was the revelation first spoken of? A-It never was spoken of by me at all.

753 Q-Was there anything said in reference to a statement of Joseph Smith that he had been deceived in that doctrine, or any statement to that effect?

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753 Q-Was there anything said in reference to a statement of Joseph Smith that he had been deceived in that doctrine, or any statement to that effect?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

- A-No sir I don't remember that he said anything about that. I don't think there was anything said about that, but he said that Joseph said there was certain things practiced in the church, and if it was not put down it would be the fall or the ruin of the church, and therefore it had to be stopped.
- 754 Q-What was that? A-He mean that those who were practicing these practice,-
- 755 Q-Well just state what he said, and don't place a construction on what he said? A-Do you want what Marks said to me that Joseph said to him? A-He said to Marks, so Marks told me, -"I want you to call the High Council together, and ~~know~~ all those who have taken plural wives, I will prefer charges against, -I will prefer charges against all those who have gone into that practice, and they must be tried, and if they don't confess their guilt, and repent they must be cut off from the church"
- 756 Q-Have you not at some time here to fore stated that Joseph Smith, -that it was understood by Marks as related to you in that conversation by Marks, that Joseph Smith sanctioned the practice of polygamy? A-No sir.
- 757 Q-You did not say that? A-I did not.
- 758 Q-And that you swear to positively? A-No sir, -no man has ever heard me say so.
- 759 Q-Then you have made that statement? A-No sir.
- 760 Q-Do you know anything about a publication called the Nauvoo Expositor? A-Yes sir.
- 761 Q-Did you see that publication about that date? A-No sir, I never saw the Nauvoo Expositor at no date, I heard of it, but I never saw it.
- 762 Q-You never saw it at any time then? A-No sir.
- 763 Q-You were in the state of Missouri, in Ray County in 1837? A-Yes sir.
- 764 Q-Did you know one Elias Higbee there at that time? A-What Higbee?
- 765 Q-Elias Higbee?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not cross examination.
- 766 A-Yes sir I have seen him.
- 766 Q-When was it you knew him? A-It was when he was, -when I was a boy I mean.
- 767 Q-Do you know when he left Missouri? A-No sir.
- 768 Q-Well what time did you leave? A-In '38.
- 769 Q-What time in the year did you leave? A-In October or November I think, -I disremember which. I can't say just what time it was my father moved out.
- 770 Q-Do you know whether Elias Higbee was in the country there at that time, or not?
- Counsel for the plaintiff objects to the questions for the reasons last above set forth.
- 770 A-No sir, I just remember the time, -I remember that he was there and I saw him, but as to telling what time he moved out or anything about it I can't do it at all.
- 771 Q-Did you ever see him at all after you left the state of Missouri? A-I could not say.
- Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons above set forth.
- 772 Q-Did you know one J.C. Gates over there in Ray County? A-No sir.

- 773 Q-Or Yates? A-No sir, I did not know either of them. I never got acquainted with either of them.
- 774 Q-With either Gates or Yates? A-No sir, -neither of them.
- 775 Q-Do you know whether Higbee was a member of the church over there in Ray County or not? A-No sir. Counsel for the plaintiff objects to the question asked the witness on the ground that it is not croxx examination
- 776 Q-You don't know whether Higbee was a member of the church at that time or not? A-No sir that is something that I can't tell you anything about at all.
- 777 Q-That is all you know about this case? A-I think so.
- 778 Q-Well that is all.

It being impossible to complete the taking of these depositions on this day, by agree ment of the parties hereto, as aforesaid, the further taking of the same was continued until Wednesday, August 3rd 1893 at the hour of 9,30 o'clock A.M.

Now on this 3rd day of August 1892, the same being Wednesday, and the date on which the futher taking of the depositions herein was to be continued, the further taking of the same was continued pursuant to adjournment, all the parties hereto being present as aforesaid. Williard Griffith, of lawful age, being produced, sworn and examined in rebuttal on the part of the plaintiffs, testified as follows,-

Direct examination by Mr Traber,-

- I Q-What is your full name? A-Williard Griffith.
- 2 Q-Where do you reside? A-Where do I?
- 3 Q-Yes sir, -where do you reside? A-In Page County at Shenandoah.
- 4 Q-In Page County where? A-At Shenandoah.
- 5 Q-What state is that in? A-In Iowa.
- 6 Q-What is your age Mr Griffith? A-If I live to see the 16th day of this month I will be 78 years of age. I will be 78 the 16th day of August.
- 7 Q-How long have you lived where you are now? A-I have lived there about eleven years.
- 8 Q-And prior to that time where did you live? A-Well it is hard to say, -I lived in different places.
- 9 Q-Well where have you lived? A-I have lived in Illinois, in Wisconsin and in Iowa.
- 10 Q-Are you a member of the Re-organized church of Jesus Christ of Latter Day Saints? A-Yes sir.
- 11 Q-How long have you been a member of that church? A-Of the re-organized church?
- 12 Q-Yes sir, -how long have you been a member of the re-organized church? A-I became a member of it about a year after its organization.
- 13 Q-Can you state what year that was? A-Well I don't know that I can state what year that was. I don't know that I can exactly, -I don't know that I can remember the date.
- 14 Q-When wh did you say you joined it? A-Well that is what I can't tell you.
- 15 Q-Well about when was it you joined it? A-Well I think it was about a year after its organization.
- 16 Q-About a year after the re-organization? A-Yes sir
- 17 Q-How long have you been connected with the Mormon church? A-Since 1831, -sixty one years past I have belonged to that church.
- 18 Q-Where did you become identified with the church? A-In Ohio.

- 19 Q-At what place in Ohio did you join the church? A-Well it was at Fremont, -In Fremont County I mean at Amherst.
- 20 Q-It was in Fremont County, Ohio? A-Yes sir.
- 21 Q-That you joined the church? A-Yes sir.
- 22 Q-Was there a church organized there at that time? A-Yes sir. It was a branch as we termed it.
- 23 Q-Where was the head of the church at that time? A-At the time I joined it?
- 24 Q-Yes sir? A-At Kirtland.
- 25 Q-That was in Ohio also? A-Yes sir.
- 26 Q-Did you hold any position in the church? A-Yes sir.
- 27 Q-What was the position you held in the church? A-It was that of an elder sir.
- 28 Q-How long after you became connected with the connection with the church was it that you became an elder? A-Well it was about eight or nine years.
- 29 Q-At what place were you ordained an elder in the church? A-In Indiana, -I was ordained an elder in the church there and presided over the branch there.
- 30 Q-From what place did you go to Ohio? A-mean from what place did you go to Indiana? A-What is that?
- 31 Q-From Indiana where did you go to? A-Where did I go when I left there?
- 32 Q-Yes sir? A-I went to Illinois to Nauvoo.
- 33 Q-When were you at Nauvoo? A-I went there in the fall of '49.
- 34 Q-Are you not mistaken about that? A-Yes sir, I was mistaken I meant in the fall of '41.
- 35 Q-You went to Nauvoo in the fall of '41? A-Yes sir.
- 36 Q-You were acquainted with Joseph Smith? A-Yes sir.
- Counsel for the defendants objects to the question asked the witness on the ground that it is leading.
- 37 Q-Well were you acquainted with Joseph Smith? A-Yes sir.
- 38 Q-Do you remember the circumstances connected with the death of Joseph Smith? A-Yes sir.
- 39 Q-Were you there at that time? A-Yes sir, for I lived within eighteen miles of there at a town called Layhart in the same County. That is where I lived at that time.
- 40 Q-I believe that you have just stated that you were acquainted with Joseph Smith? A-Yes sir, I was quite well acquainted with him.
- 41 Q-When was Joseph Smith killed, if at all? A-In June 1844.
- 42 Q-How long did you remain at Nauvoo? A-I was there until '46, -I left there in the spring of '46.
- 43 Q-You left there in the spring of '46? A-Yes sir.
- 44 Q-When did you say you went there? A-I went there in '41.
- 45 Q-And lived there until the spring of '46? A-No sir not all the time. I wintered there, but in the summer time I lived out about eighteen miles. I never summered there in Nauvoo, but I wintered there for three winters.
- 47 Q-Well you say you left Nauvoo in the spring of '46? A-Yes sir.
- 48 Q-Now when you left Nauvoo, to what place did you go? A-To Wisconsin.
- 49 Q-To what part of Wisconsin did you go? A-To Racine County.
- 50 Q-To Racine County? A-Yes sir.
- 51 Q-Did they have a church organization there? A-Yes sir. They

- had what they called a church organization. ~~xxxxx~~
- 52 Q-That was in Wisconsin? A-Yes sir.
- 53 Q-Who was the leader of that organization, -who was at the head of it? A-It was headed or lead by a man named Strang.
- 54 Q-J.J. Strang? A-Yes sir.
- 55 Q-Was it because of the organization there at that time that you went there? A-Yes ~~xxx~~ sir.
- 57 Q-Did the church have a considerable following there at that place? A-At what place?
- 58 Q-There in Racine County, Wisconsin? A-Yes sir, considerable of the membership had drifted that way.
- 59 Q-How many members were connected with the church there at that place? A-At what place, ---?
- 60 Q-How many members did you say there was? A-Well I could not really say, but I should say that there was likely at that place in Voree as they called it, and that was the name they had given the town in the beginning when they had built it, -I should say that there was perhaps one hundred or a little over that number perhaps.
- 61 Q-That would be your estimate of the membership? A-Yes sir I should say a bout that many, -that would be my estimate of the number, but then I could not say exactly, but that is about what I think making a guess
- 62 Q-Who was the recognized head of that church? A-Mr Strang.
- 63 Q-Well what position did he hold? A-In what way.
- 64 Q-Well what position did he sustain with relation to the church of which he claimed to be the head? A-Well he claimed to be the successor of Joseph the Martyr after his death, -that is after the martyrdom of Joseph, -the assassinated Joseph, -he claimed to be the leader and head of the church after Joseph.
- He claimed to be the successor of Joseph Smith by virtue of an appointment that Joseph had made before his death appointing Strang as his successor, -that is what he held out.
- 65 Q-Did you hold a position at that place in that church? A-In Wisconsin, do you mean?
- 66 Q-Yes sir? A-I did.
- 67 Q-What was the office that you held? A-I held the office of, Well I was Mr Strang's Privy Counsellor, or in Mr Strang's Privy Council in the office that he held there, and in that covenant that they held there.
- 68 Q-Well now please explain the nature of that covenant. A-Well it was of a peculiar nature, and a very greatly binding covenant, and you signed your name in your own blood. It was a covenant that was considered to be quite important.
- 69 Q-Well what was its nature? A-The nature of the covenant was to bind them together in one bond of brotherhood, -
- 70 Q-Please explain who were to be bound? A-All who were there and took the covenant in their own blood, -in blood drawn from their own veins, and it was considered that they covenanted amongst themselves that they were to be by it bound in one covenant of brotherhood, -one bond of brotherhood, and that we should stand up for each other right or wrong.
- 71 Q-Right or wrong? A-Yes sir.
- 72 Q-Where did that covenant originate? Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it assumes a fact not in proof.
- 73 Q-Well I will ~~xxx~~ change that question, -what is it called did you say?

- 74 A-It was called a covenant.
Q-It was called "a covenant"? A-Yes sir, or "the covenant".
- 75 Q-Do you know anything about the origin of that covenant? A-Yes sir.
- 76 Q-What do you know about it? A-Well it originated there.
- 77 Q-There at Voree? A-Yes sir, -at any rate that was the first I ever heard of it any way. Now that is my opinion about it, if it is proper to give an opinion, - that is that it originated there, but I am not prepared to say that it originated there.
- 78 Q-Do you know anything about who originated that covenant as it was called? A-Well I can't say, but it is my opinion that John C Bennett and Mr Strang originated that covenant.
- 79 Q-Was it a regularly formulated covenant? A-Yes sir. We took the covenant, but I could not now repeat very much of that covenant but it was a regularly formulated covenant, and it was very stringent and binding in its terms. I remember that it was to the effect that we who took it were to be true to each other, etc., right or wrong.
- 80 Q-Was it ever printed? A-Yes sir, I printed it.
- 81 Q-Have you any copy of it? A-No sir, I have not, for I never retained a copy of it at all, but I had that covenant and published it.
- 82 Q-You say you published it yourself? A-Yes sir.
- 83 Q-Are any of these publications in existence? A-I don't know, there may be some existing. I understood that there were. I understood that there was one in my neighborhood close by, but that I don't know to be a fact, but I never retained one for I did not consider that it was of any great value or importance, or else I should have done so.
- 84 Q-Could you not give a little more fully the nature or object of that covenant? A-The nature and object of the covenant was to explain the same. I don't know that I can explain it, but I was present at the initiating of a great many members, and the object of the covenant as I told you was to bind them together in a bond the obligations of which it was conceived could not be broken. The ones who were initiated were required to sign their names in their own blood, and I could not repeat much of the covenant verbatim, -it all was long ago these things occurred, and I can not charge myself now with what occurred then, as I have allowed it to pass from my mind, as I am some what forgetful.
- 85 Q-Well what penalty was there for a violation of that covenant? A-You would be disfellowshipped from the church and considered to be an outcast, and not to be recognized by the church as the covenant members who were faithful and true to their covenant.
- 86 Q-Was a violation of the obligations of that covenant to be attended with any personal violence? A-Yes sir.
- 87 Q-Well what was it? A-They were to be jeopardized, and their persons and property were to be placed at the will, and to be outraged by any one who belonged to that covenant. They undertook to carry out that measure, but their forces were not strong enough to do so, and they had quite a rough time there about the time it was played out.
- 88 Q-Well you have not answered my question, -was there anything violent connected with a violation of the secrets of that covenant? A-Well I don't know that there was personally, but it was generally understood that you were to be an outcast.

- 89 Q-It was generally understood that you would be an outcast,-by that you mean that the person who revealed or divulged the formula of the endowment would be an outcast? A-Yes sir.
- 90 Q-Well was the outcast to-be banished in anyway? A-In what manner,-
- 91 Q-What was to be done ~~xxxx~~ with the outcast,-what was to be the punishment inflicted upon him,-was he to be banished in any way? A-Only he would be excommunicated from the church,-that was all that I knew anything about. He was to be excommunicated from the church and covenants both.
- 92 Q-That is all? A-Yes sir.
- 93 Q-He was not to be banished in any other way? A-No sir,-not in any particular.
- 94 Q-How long after the inception of that covenant was it before it was exposed and abandoned? A-It was not very long.
- 95 Q-Well about how long? A-Well I should think it was about eight months.
- 96 Q-About eight months? A-Yes sir,-something like that about,I should think.
- 97 Q-Now you say it was exposed and then abandoned? A-Yes sir. Well now I don't say that it was abandoned in the sense that it was finally given up, but it was exposed, and then it was discontinued for a while. They discontinued having their meetings there, and then they made their preparations to go to Beaver Island. They sent a committee out to hunt a place to go and the committee after making its investigations reported on Beaver Island as the best place to locate, and then they began making their preparations to go there.
- 98 Q-Now you say that that covenant was exposed? A-Yes sir.
- 99 Q-What made that exposure? A-I was the first one.
- 100 Q-What was the result? A-I proposed to speak on the covenant, and they knowing my position and knowledge of it by reason of being Strang's privy counsellor, and I gave out there an appointment in which I proposed to explain that covenant, and that was held in a private house, that is the meeting was in which I explained it, and after that eighteen of the most prominent members said that they would stand by me, and so we put our shoulders to the wheel, and as my self and a sister remembered the covenant verbatim, we wrote it out and sent it to Elkhorn, and had it published and throwed it around promiscuously,-broad cast you might say.
- 101 Q-That was what you did? A-Yes sir.
- 102 Q-Well now you have told that was done,-what was the result? A-Well the result was that it pretty much broke up their taking of the covenant there,-it pretty much broke up their organization there, and then they began to make their preparations to move to Beaver Island as I said before.
- 103 Q-You say "they",-whom do you mean by "they"? A-I mean Strang's followers,-and they went with quite a number of the old Latter Day Saints to Beaver Island.
- 104 Q-Well did you go with them? A-No sir I did not go
- 105 Q-Well what proportion went with Strang to Beaver Island? A-Of those that were there at Voree?
- 106 Q-Yes sir? A-Well they all went you might say that believed in Strang,-there were so many went that there was no branch left there to organize.

- I07 Q-About all the members that were there went to Beaver Island with Strang? A-Yes sir, after they left there was not enough Latter Day Saints left there to organize a branch.
- I08 Q-Did you remain there all the time? A-No sir, -I moved about a mile from Voree to Burlington, -that was about a mile from Voree and was where Strang first located.
- I09 Q-Did you organize a branch of the church there at Burlington? A-No sir there was no organization of the church there, but there was a great many of the old Latter Day Saints that were with Strang that settled around there for immediate quarters, but they finally settled all over as they got scattered around.
- I10 Q-Did you ever hear of the practice of polygamy in the church? A-Yes sir.
- I11 Q-Where did you first hear first of it? A-Well I heard of it after we got there.
- I12 Q-After you got there? A-Yes sir, -after it got there I should say.
- I13 Q-After it got there? A-Yes sir.
- I14 Q-Well you don't know when it got there? A-No sir I can't say that I do just know the date that it got there.
- I15 Q-Well when did you first hear of its being there with reference to the time that you got there? A-Well I never heard of it until a little over a year after I got there. I never heard of polygamy or the doctrine of plural wives until then I think. No it was a little over a year after Joseph Smith's death.
- I16 Q-It was about a year after Joseph Smith's death? A-Yes sir, about that, -a little over a year perhaps.
- I17 Q-Well where did you hear of it then? A-As I said before I believe I lived about eighteen miles from Nauvoo at the first, and then I moved into Nauvoo in the winter, and wintered there.
- I18 Q-That is where you first heard of polygamy? A-Yes sir.
- I19 Q-Do you know how it originated? A-Well I have my opinion, whilst I cannot say what I know it I have my opinion all the same. I believe I have my opinion pretty well grounded too from observation, and know how it originated and who was the originator of polygamy.
- I20 Q-Well you may state it?
- By Mr Southern, -"I object to that for the reason that the foundation for asking the question is not sufficiently laid.
- ~~XXI~~ ~~XX~~
- By Mr Traber, -
- I21 Q-Answer the question? A-I believe the originator was Williard Richards and Parley Pratt.
- I22 Q-Did they hold any office in the church at that time? A-Yes sir they were members of the Quorum of Twelve as it existed then. I believe that Parley Pratt was the prime originator of the system of polygamy.
- I23 Q-What reason have you for believing that? A-I believe he was the first man that started and headed it, and I think his after history proves that fact. He wrote a book, -at least I was satisfied that he wrote a book called "Father Jacobs", and that introduced polygamy in a round about way.
- I24 Q-What kind of a book was that? A-It was rather an obscure book for I read it, and I know.
- I25 Q-You say you read that book? A-I was pretty well acquainted with one of the sisters, and she had it, and let me have it, and its existence was kept pretty well secret in the church, -that is every

body in the church did not know of its existence, but one of the sisters in the church who occupied a pretty prominent place in the female councils of the church had the book and she let me have it, and it was rather on the obscene order. It was distributed around amongst the leading sisters, and it taught the introduction of this institution amongst the younger sisters. Now that is my opinion, - that Parley Pratt was the founder or originator of that institution of polygamy, and while that is my belief I could not prove it.

I26 Q-When did you see that book? A-What time do you mean?

I27 Q-Yes sir? A-It was in 1845, - it was in the winter of '45 and the spring of '46.

I28 Q-And that was at Nauvoo? A-Yes sir.

I29 Q-Now you said that you were an elder in the church while you were at Nauvoo? A-Yes sir.

I30 Q-Was or was it not the practice of Joseph Smith to call the elders together and talk to them on doctrinal points?

By Mr Southern, - "I think I must object to that question also because it is leading, and for every other reason that I know of."

A-Shall I answer that question?

By Mr Traber, -

I31 Q-Yes sir, you may answer it? A-I don't know that I ever knew him to call them together as a body, and talk to them.

I32 Q-He never called them together as a body, and talked to them on doctrinal points? A-No sir I never knew him, that I remember of, to call them together as a body, but I have often heard him talk to them from the stand.

I33 Q-Well to whom would he talk, - would it be to a congregation? A-Yes sir. That would be as he preached on ordinary occasions. I never knew him to call the eldership together specially, however. I knew that to be the practice after his death, but never before his death.

I34 Q-Have you ever conversed with him on any doctrinal points? A-Conversed with whom?

I35 Q-Conversed with Joseph Smith? A-On what?

I36 Q-On doctrinal points? A-Well not specially, - not specially. I have conversed with him, but not specially on these points.

I37 Q-As an elder in the church at that time, - that is before the time of the death of Joseph Smith, do you know what the doctrines of the church were at that time? A-Yes sir I did. I did both before Joseph Smith's death and afterwards, for I had some experience in both, and it was quite the reverse after his death. There was quite a decided change after his death, for after his death we were called together by the Twelve as it was then constituted, and as I belonged to a quorum our quorums were called together, and questioned by the President of the quorums, as to whether they could or would ~~wxx~~ preach such and such doctrines ~~xx~~ if they were sent out, and that was done to know and ascertain ~~xxxxxx~~ if they would be competent to be sent out and represent the church in the field, so to speak, and preach all that was ~~xx~~ taught by the Presidency and the Twelve.

I38 Q-Were you questioned in that way? A-Yes sir, I was along with my quorum.

I39 Q-Well were you asked to preach the doctrine of polygamy? A-Yes sir.

I40 Q-You were? A-Yes sir, I was.

- I41 Q-At what time was that? A-That I was asked these questions?
- I42 Q-Yes sir? A-Well that was in '45.-In the winter of '45 or the spring,-yes sir I think it was in the winter of '45.
- I43 Q-Had you ever been called upon,-rior to that time, to preach the doctrine of polygamy? A-No sir. Not before that time.
- I44 Q-At what place was this that you were called upon to preach polygamy? A-At Nauvoo.
- I45 Q-Who was then the recognized head of the church at Nauvoo? A-Well it was Brigham Young.
- I46 Q-At that time he was recognized as the head of the church there at Nauvoo? A-Yes sir. It was Brigham Young, and his Council.
- I47 Q-Were you a member of his Council? A-No sir.
- I48 Q-What was this gathering that you attended? A-In what way?
- I49 Q-You said that you attended this gathering that was held there at that time when you were questioned as to your willingness to get out and preach and teach polygamy? A-Yes sir, I attended with my quorums. You must understand that there were different quorums in the church and they were all called together in the same way and questioned.
- I50 Q-Well they asked you to preach polygamy,-is that not what you stated? A-Yes sir.
- I51 Q-Well did you consent to do so? A-I have already stated that I did not.
- I52 Q-Well what occurred then? A-Well sir I was expelled from my quorum at that time. I was not immediately expelled for I was given one weeks grace to make up my mind and finally decide whether I would do it or not, and as I persisted in my refusal to do so I was finally expelled. The next time we were called together after the expiration of that period of grace, I was of the same opinion still, and so they then struck my name off the membership of the quorums.
- I53 Q-From the position which you held in the church,-First, I will ask you if you have held to that doctrine ever since? A-What doctrine.
- I54 Q-The doctrine of polygamy? A-Yes sir, I have never held to it, and never believed in it, and have always been strongly in opposition to that doctrine, and that was the reason I left their organization there at Nauvoo- in consequence of my opposition to that doctrine of polygamy. Well it was not that alone, for there was many other doctrines, that I objected to and would not accept.
- I55 Q-That was not the only reason of your leaving that organization they had there at Nauvoo after the death of Joseph Smith? A-Yes sir, for there were many appendages to the doctrines added there, that I did not consider to be the true doctrine of the church, or the original doctrine of the church, and as I was asked to embrace them and refused to do so, I was read out of the church, or left it of my own free will,-I don't hardly know which. Now I was not expelled from the church, but from my quorum, understand me.
- I56 Q-Well now did not Strang preach polygamy? A-He did not to my knowledge sir.
- I57 Q-You do not know then as a matter of fact whether he taught it or not? A-No sir not from personal observation, but I am well satisfied from the facts that he did preach it and ~~xxxx~~ practice it too. There is not the least doubt in my mind about that sir.
- I58 Q-You are satisfied that he practiced it? A-Yes sir, there is no doubt in my mind about that.

- I41 Q-At what time was that? A-That I was asked these questions?
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- I58 Q-You are satisfied that he practiced it? A-Yes sir, there is no doubt in my mind about that.

- I59 Q-Where? A-At Voree and Beaver Island both.
- I60 Q-You are satisfied that he practiced it at both of these places? A-Yes sir,-I am satisfied that he did from the history that I have of Mr Strang, but I don't know this of my own knowledge, for I did not see him practice it.
- I61 Q-Well I don't want you to state anything that you don't know of your own knowledge,-just state what you have personal knowledge of yourself, and nothing else? A-Well that is the way I do, when I don't know a thing I tell you I do not know it.
- I62 Q-Well now you stated that when you were requested to preach polygamy or teach it by the Quorum of Twelve, that you refused, and that you were given a week to consider the matter? A-Yes sir, about such a matter,-I was given to the next meeting to consider it, and the next meeting was called together in a week, and then when I was asked again to do so and persisted in my refusal I was stricken from my quorum, together with some other members who refused along with me. That is what we were expelled for,-because we would not endorse the doctrine of polygamy and would not teach it if we were sent out.
- I63 Q-How many members of the quorum took the same stand you did, and were expelled from the quorum? A-I think there was one,-yes, it was only one.
- I64 Q-What was his name? A-I don't remember his name sir.
- I65 Q-From the position you held in the church at that time, if Joseph Smith the prophet and seer, had ever taught or practiced polygamy, would you have known of it? A-I think I would have known of it. I was acquainted with the church from almost its first origin, and with all the old members in the church,-that is the first members who were considered to be in good standing, etc, and I think I should have known something about it if he had.
- I66 Q-Well did he? A-I don't think he did, I don't think there is any question about that?
- I67 Q-There is no question about that? A-No sir, not the slightest question about it, for my opportunities were such that I would certainly have known about it. My opportunities were such that I would have found it out.
- I68 Q-Did you know, or do you know of any one at that time connected with the church in an official capacity, who ever taught or practiced polygamy at any time during the life of Joseph Smith? A-No sir.
- I69 Q-You don't know of any one? A-No sir.
- I70 Q-What if any thing, do you know about the ordinance of the endowment in the church at that time? A-At what time?
- I71 Q-Well say at any time? A-The endowments that they had in Nauvoo do you mean?
- I72 Q-At any place, or at any time? A-I don't know much about them, for I never attended any of the endowments I refused to go into the temple at Nauvoo or have anything to do with it, for I got quite disgusted with my observations on the way things were going in the church. I had paid my tithes and I was invited to go in for we paid by wards, and I refused to go in with my ward.
- I73 Q-When was that? A-That was in the winter of '45 or '46.
- I74 Q-Was that practiced before Joseph Smith's death? A-No sir.
- I75 Q-It was after his death? A-Yes sir it was two years, -yes it was a little over two year after his death, that that was done. That is when this took place,-a little over two years after Joseph Smith's death, that the endowment took place,. That is the endowment where they sealed.

- I76 Q-Well that was in the winter of '45 or '46? A-Yes sir,-it was the last winter that they lived in Nauvoo
- I77 Q-Were they informed as to where that practice originated? A-Well I don't know as I said before. I gave you the name of the party who I thought originated polygamy. They originated the practice of it that winter, by the proclamation of Brigham Young's, who declared the year of jubilee, and that proclamation declared that all those who chose were free to choose for eternity, and that constituted the ~~xxxxxx~~ ~~xxxxxxxxxxxxxxxx~~ introduction of polygamy, for they were free to choose one or more wives if they saw fit for ~~xx~~ eternity.
- I78 Q-That was in accordance you say with a proclamation issued by Brigham Young? A-Yes sir.
- I79 Q-In which he declared the year of jubilee? A-Yes sir.
- I80 Q-Now can you fix the time when that was done? A-Well it was early in the fall of 1845, and it run on through the winter of '46 I am not sure of the date but it was the last winter they were there, and they left there in the spring or summer of '46 some time.
- I81 Q-~~x~~ Did they have an endowment house there? A-No sir they used the temple, and you could perhaps call that an endowment house. The temple was partly finished at that time,-at all events sufficiently so as to enable them to attend to that part of their ceremonies in it.
- I82 Q-Well did they have any separate house in which these endowments were given? A-No sir, not that I know anything of. If they did I don't know anything of it, for I understand that the endowments and sealing were all done in the temple. That was what I was informed, and I guess there is no doubt but that my information is correct.
- I83 Q-Well you did not take any part in it? A-No sir, although I was advised, or invited to take part along with my ward, I refused to do so, for I did not want to have anything to do with the endowments for I believed it to be an innovation on the doctrines of the church, and I had no faith or belief in it.
- I84 Q-Well what was the nature and extent of the endowments as you understood ~~xxxx~~ it at that time? A-Well there was a ceremony that they had there, and went through with that I understood to be, that they were to live entirely by the counsel of their superiors,-that is they were to follow their counsel in every thing. They taught that there publicly in the temple hall that the book of covenants was like a steam boat that had gone up, and they had no use for it but we were to be governed and live ~~xx~~ by the counsel of our superiors. The principle teaching that they sought to impress upon the membership was to obey the council, and they had no more use for the book of Covenants as they termed it.
- I85 Q-Do you mean to say that they taught that the book of Covenants was to be discarded? A-Yes sir, and there was to be no more attention paid to it by those that endorsed Brigham's theory.
- I86 Q-Did they refer to the book of Mormon in any way? A-Well they endorsed the book of Mormon,-
- I87 Q-They endorsed the book of Mormon then? A-Yes sir I expect so for I never heard anything to the contrary.
- I88 Q-What place if any, was set apart for conferring these endowments before ~~xxx~~ Joseph Smith's death? A-I don't know of any place. I never heard of any place.

- I69 Q-Were they conferred before the death of Joseph Smith? A-I have said that they were not that I knew anything of, and from the relation I sustained to the church I don't believe they could have been conferred without my knowing it, therefore I say they were not.
- I90 Q-That is all, -take the witness.
Cross examination by Mr Southern, -
- I91 Q-Your name is William Griffith? A-No sir, -Williard Griffith.
- I92 Q-And you are now a member of the re-organized church A-Yes sir.
- I93 Q-Mr Griffith what position do you hold at the present time in the re-organized church? A-I don't hold anything at all in the way of an office. I don't hold anything more than my membership in the re-organized church.
- I94 Q-How long have you been a member of the re-organized church? A-Of what?
- I95 Q-How long, I asked you, have you been a member of the re-organized church of Jesus Christ of Latter Day Saints? A-Well I became a member about a year after it was re-organized.
- I96 Q-That is not an answer to my question, for I asked you how long you had been a member of the re-organized church? A-Well I joined it within about a year after it was re-organized.
- I97 Q-Can you state about when that was, on reflection? A-Well I cannot say positively, but it was about twenty-four years ago, or something like that, but as to the dates or lengths of time that I have belonged to the church I don't remember the particulars precisely, -I might remember more about it if I thought over it more.
- I98 Q-Do you remember the time that it was re-organized? A-I don't know that I do remember the date that it was re-organized for I was not present at the time, but I would say that it was not far from twenty five years ago that it was re-organized.
- I99 Q-You would say that it was not far from twenty five years since the re-organized church of Jesus Christ of Latter Day Saints was organized? A-Yes sir.
- 200 Q-Was the time you speak of becoming a member of that organization after 1860? A-I don't know as I rightly understood you.
- 201 Q-Did you become a member of the re-organized church after 1860? A-Yes sir I think I did.
- 202 Q-You think you did? A-Yes sir.
- 203 Q-Was it before or after the war that you first became a member of the re-organized church? A-It was after the war.
- 204 Q-How long after the war? A-It was immediately after the war.
- 205 Q-After the war it was? A-Yes sir.
- 206 Q-You are sure of that? A-Yes sir, it was after the war, or immediately after the close of the war, or about the close of the war.
- 207 Q-Were you a priest at the time you joined the re-organized church? A-I don't know that I claimed any official authority after the church broke up at Nauvoo, for the reason that I joined Mr Strangs church which lost me my membership in the old church.
- 208 Q-It did? A-Yes sir I claim it did.
- 209 Q-Did you ever get a certificate of dismissal from the church at Nauvoo? A-No sir.
- 210 Q-You never did? A-No sir.

- 211 Q-Were you ever tried for any offence against the laws of the church at Nauvoo? A-No sir.
- 212 Q-You were not? A-No sir.
- 213 Q-Were you at any time expelled from that church at Nauvoo? A-Not that I am aware of. I separated myself from it but I was never expelled that I know anything about.
- 214 Q-Were any charges ever brought against you for the separation of which you speak? A-No sir.
- 215 Q-Did you ever authorize any one to take your name off the church roll ~~xxxxxxx~~? A-No sir.
- 216 Q-Have you ever authorized any one to take your name off any church roll since that time? A-No sir.
- 217 Q-What was your position in the church there at Nauvoo? A-Before I left Nauvoo? ~~xxxxxxx~~
- 218 Q-Yes sir, what was your position in the church before you left Nauvoo? A-I was a "seventy".
- 219 Q-What is that? A-I belonged to the Quorum of "seventy". I was a number of that quorum then.
- 220 Q-Did you have a quorum of seventy there then? A-Yes sir.
- 221 Q-You did? A-We did.
- 222 Q-How many was there? A-There was twenty odd quorums of seventy.
- 223 Q-There was twenty odd quorums of seventy? A-Yes sir.
- 224 Q-That was under Brigham's regime? A-Yes sir.
- 225 Q-Did you belong to a quorum of seventy under Brigham? A-Yes sir.
- 226 Q-Was that the quorum that you were called before the Presidency with to receive instruction on the question of ~~xxxxxxx~~ doctrine of polygamy? A-Yes sir.
- 227 Q-About what time were you appointed to that quorum? A-I think it was in the fall of '45 that I was ordained to that quorum. If I am not mistaken that was the time.
- 228 Q-By whom? A-Who ordained us?
- 229 Q-Yes sir? A-I don't remember who it was that laid their hands on us. There was a string of us there that would reach across this room and we were all ordained at the one time, for there were men set apart to ordain us, and they performed the ordinations, but I don't remember who it was superintended the ordination ceremonies or who laid ~~xxxxxxx~~ hands on us.
- 230 Q-That was in the fall of '45 you say? A-Yes sir.
- 231 Q-About that time was it in the fall that this ordination occurred? A-I could not say.
- 232 Q-Was there any record made of that, if you know?
- 233 A-Well I suppose the church had a record of it, - I suppose they did, for they usually kept a record of these things. Each quorum was organized separately, and they organized and elected their president, and the president of each quorum kept his own records, and then there was a President over all the quorums.
- 234 Q-You say there was a record kept of that meeting? A-Yes sir, I say I suppose there was.
- 235 Q-Do you know where that record went? A-I suppose it went to Utah.
- 236 Q-You suppose it went to Utah? A-Yes sir.
- 237 Q-Do you know whether it went there or not? A-I don't know anything about it, but I suppose it went to Utah. I don't know what became of it, for I never troubled myself about it, as I did not care anything about it.

- 237 Q-Well it appears that you became a member of a
 238 quorum of seventy-in the fall of 1845? A-Yes sir.
 239 Q-Well what position did you occupy in the church
 prior to the death of Joseph Smith? A-Before the
 death of Joseph Smith?
 240 Q-Yes sir,-what position did you hold in the church
 prior to his death? A-I was an elder sir.
 241 Q-By whom were you ordained? A-By two men,-By a man
 named William Miller and William Redfield.
 242 Q-These were the ones that ordained you? A-Yes sir.
 243 Q-By whom were you appointed? A-I was proposed by a
 branch for ordination, and by introduction was accept-
 ed, and they ordained me on that, and then I presided
 over a branch after I was ordained of course.
 244 Q-What branch was it that you presided over? A-A
 branch in Indiana, at Warwick.
 245 Q-Was that the case at the time ^{that} you were selected
 and ordained as one of the quorum of seventy? A-
 What is that?
 246 Q-Did you still continue to preside over that branch?
 at the time you were ordained a member of the quorum
 of seventy? A-No sir. It was after that a good
 while that I was made a member of the quorum of sev-
 enty, for I was ordained in the winter of '49,-'39 I
 mean.
 247 Q-In the winter of '39? A-Yes sir.
 248 Q-You were ordained an elder? A-Yes sir.
 249 Q-How far then at that time did you live from Nauvoo?
 A-Some three hundred or four hundred miles from there
 250 Q-Where were you located at that time? A-In Indiana.
 251 Q-How long did you remain there? A-I remained there
 something over two years.
 252 Q-When did you ~~leave~~ Indiana? A-I left there in the
 fall of '41 and then I moved to Nauvoo in Hancock
 County, Illinois.
 253 Q-Did you move to Nauvoo, or was it within eighteen
 miles of Nauvoo? A-I was living out of Nauvoo for a
 while,-about eighteen miles from Nauvoo, and I used
 to work out there in the summer time and come into
 Nauvoo to winter as I stated before. I only lived
 out there a part of the time, and the balance of the
 time up to the time I finally left Nauvoo, I lived
 in the town.
 254 Q-When did you first winter, or live in Nauvoo? A-It
 was in the winter of '41.
 255 Q-Where did you live in Nauvoo? A-The first winter
 I lived there I lived in a house there with a brother
 of mine,-a man a brother in law of mine,-I lived
 there with him the first winter I was in Nauvoo.
 256 Q-Where? A-I say in Nauvoo.
 257 Q-What winter was that? A-It was the winter I moved
 there, and I came there in the fall late, or in the
 winter of '41.
 258 Q-In the fall of '41? A-Yes sir, I think so.
 259 Q-And you lived with your brother in law? A-Yes sir
 name was Henry Wilcox.
 260 Q-You were a ~~xxx~~ married man then? A-Yes sir.
 261 Q-And had children? A-Yes sir.
 262 Q-How long had you been married at that time? A-I
 was married in '38.
 263 Q-Where were you married? A-In Ohio.
 264 Q-You were a member of the church at the time you
 were married.?

- A-That is what you say?
- 265 Q-Well were you or were you not? A-I was.
- 266 Q-Was your wife also a member of the church at the time she married you? A-Yes sir.
- 267 Q-She was? A-My wife?
- 268 Q-Yes sir? A-No sir she was not a member of the church at that time.
- 269 Q-Is she still living? A-Yes sir.
- 270 Q-You are living together at home? A-Yes sir.
- 271 Q-Now you said you were acquainted with Joseph Smith? A-Yes sir. I was well acquainted with him.
- 272 Q-When did you first become acquainted with Joseph Smith? A-~~Well~~ When did I first make his acquaintance
- 273 Q-Yes sir? A-Well it was in '30. That was the first time I had any acquaintance with him or seen him, and it was in the year '30.
- 274 Q-And when did you become a member of the church? A-It was in '31 that I joined the church.
- 275 Q-Where did you first make the acquaintance of Joseph Smith? A-I made my acquaintance with him sir in Kirtland.
- 276 Q-Kirtland, Ohio? A-Yes sir.
- 277 Q-That was the head quarters of the church at that time? A-Yes sir.
- 276 Q-How long did you remain in Kirtland, Ohio? After you made his acquaintance? A-I joined the church then. That time I was there I joined the church.
- 278 Q-Well how long did you remain in Kirtland, Ohio, after you joined the church? A-Well I remained there until the fall of '38.
- 280 Q-Well where did you go from there? A-Well sir I wintered the first winter after I left there in the city of St Charles, Missouri.
- 281 Q-You came from Ohio there? A-Yes sir.
- 282 Q-And wintered the first winter there in St Charles? A-Yes sir.
- 283 Q-Then where did you from there? A-I went from there to Indiana.
- 284 Q-Did you go any time to the town of Independence, in Jackson County, Missouri? A-No sir.
- 285 Q-You never were there? A-No sir.
- 286 Q-Or did you at any time go to Ray County, Missouri, or to Far West? A-I was on my way there from Ohio and was about one days drive from St Charles when I was intercepted and informed that the Saints had been driven out of that state, and no more were to be permitted to come in, and so I stopped there in St Charles and wintered there. The Missouri river was low at that time, and so I with another gentlemen that was with me hired a team and we moved into St Charles and wintered there.
- 287 Q-Who was with you? A-My family.
- 288 Q-Well who was this other gentlemen that you say was with you? A-Mr Oliver & Granger.
- 289 Q-Now what was there about this team that you say you hired? A-Well we hired the team as I say, and started from St Charles, and went out about two days drive from the town, for we hired the team to take us on, and when we stopped at an hotel for the night, - It was just a country hotel that we put up at, and while were there the land lord asked me where we were going and I told him, and then he said "these men that are here, are picket guards, and they will not allow you to go any further, and in the morning I turned around and hired this same team to take me back to St Charles, and

- I stayed there at St Charles all that winter.
- 290 Q-That was down there at St Charles, Missouri? A-Yes sir.
- 291 Q-Well where did you go from there? A-To Indiana.
- 292 Q-At what point in Indiana did you locate then? A-Well sir I landed at Evansville on the Ohio river.
- 293 Q-Did you remain there any length of time? A-Yes sir, for a time.
- 294 Q-How long did you remain there? A-Well I stayed there about two and a half years.
- 295 Q-Where did you go from there? A-To Nauvoo.
- 296 Q-Did you ever see Joseph Smith at any time after 1831, or from that time up to the time that you went to Nauvoo? A-I don't know that I understand your question.
- 297 Q-Did you ever see Joseph Smith at any time after 1831 the time that you saw him at Kirtland, and from that time on up to the time that you went to Nauvoo? A-Do you want to know if I saw him at any time from '31 until the time I went to Nauvoo?
- 298 Q-Yes sir? A-Oh yes I saw him there at Kirtland often, and heard him preach many a time.
- 299 Q-But how could that be for you left Kirtland at an early date? A-No sir I lived there several years.
- 300 Q-When did you leave Kirtland? A-I left there in '38, -in the fall of '38, and in '41 I came to Nauvoo, and I heard him preach there at Nauvoo ~~at~~ ~~xx~~ after '41, as well as in Kirtland during '38 and before that time.
- 301 Q-Well did he speak there in Kirtland and all the time from '31 to '38, -was he there all the time? A-Well I heard him many a time, for he was not there all the time for he was backwards and forwards, and was in Missouri once I believe, and he was out some times on missions, and I heard him preach often during that period in Kirtland. You must remember that I was born and raised within about five miles of Kirtland and I heard him preach there from about the ~~xxxx~~ time they first came there with the church.
- 302 Q-Now you have testified here that you understand the doctrines of the church at Nauvoo, and the doctrines of the church while at Kirtland, have you not? A-Of course I understand it. I think I understand it pretty well at any rate.
- 303 Q-Will you state what the doctrines of the church were?
- Counsel for the plaintiff objects to the question asked ~~xx~~ the witness on the ground and for the reason that it is not proper examination, and is immaterial and incompetent.
- 304 Q-You may answer the question? A-Of course I know the cardinal principles of the doctrines of the church.
- 305 Q-Well state what they are? A-The resurrection and laying on of hands, -
- 306 Q-And baptism? A-Yes sir.
- 307 Q-Is that all? A-No sir.
- 308 Q-What more is there? A-Faith and repentance.
- 309 Q-Had they a resurrection? A-Yes sir.
- 310 Q-What else? A-And an eternal judgement.
- 311 Q-You said there was five points of doctrine, -baptism was one, faith, and the resurrection was another? A-Faith and repentance was what I said.
- 312 Q-Then what? A-The resurrection and eternal judgement was another.
- 313 Q-Resurrection and eternal judgement? A-Yes sir.

- 314 Q-Then what else? A-We had incorporated the laying on of hands some years before this as one of the ordinances of the church.
- 315 Q-Well are the five points, first, -baptism, then faith, -do you call faith and repentance one? A-Well they are in harmony, -the one belongs to the other.
- 316 Q-They are two separate principles? A-Yes sir.
- 317 Q-Then there is a baptism, faith and repentance, the resurrection, and eternal judgement, -are these the five points of doctrine? A-Yes sir these are the five points.
- 318 Q-Did the church prior to 1844 we will say, adopt any other doctrine?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.
- A-What is the question?
- 319 Q-Had the church any other doctrines other than these you have ennumerated, prior to 1844? A-Not any new doctrines before that that I ever knew any thing about, but I have heard of doctrines, and doctrines and schisms and every thing in the church since that time.
- 320 Q-Well I am asking you as to what was the doctrines of the church prior to 1844? A-Well sir that was the doctrine of the church at the time I joined it and embraced these doctrines, and what I consider to be the doctrine of the church that I now belong to.
- 321 Q-That is your opinion? A-No sir, that is my knowledge.
- 322 Q-Do you know upon what books the doctrine of the church was based?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and is not proper cross examination.
- A-What books?
- 323 Q-Yes sir? A-In what way?
- 324 Q-Will you say upon what books the doctrine of the church is organized or based? A-Yes sir.
- 325 Q-Well what are they? A-Well sir the doctrine of the church is organized according to the new testament doctrine.
- 326 Q-Well then the new testament is one of the book upon which the doctrine of the church is based? A-Yes sir.
- 327 Q-What else is there? A-That is all. It was organized upon the new testament system, also the prophets, etc.
- 328 Q-Is there any other book besides the new testament that is an authority in the church? A-Yes sir.
- 329 Q-What is it?
- Counsel for the plaintiff objects to the question asked the witness for the reason that it is not proper cross examination, and is incompetent and irrelevant.
- 330 Q-What is it? A-We believe the book of Mormon to be a true history.
- 331 Q-Anything else? A-Yes sir, -we believe the book of Doctrine and Covenants to be an inspired book, -that is we believe its contents to have been inspired. We believe it is inspired for the doctrine of the church.
- 332 Q-Well is there any other book? A-No sir.
- 333 Q-That is all? A-Yes sir, that is all.
- 334 Q-What church do you speak of now? A-I am speaking of the Church of Jesus Christ of Latter Day Saints.

335 Q-At what time? A-Now, ever since it was organized, and for all time.

336 Q-That is your belief? A-Yes sir.

337 Q-Do you know whether there is, -whether as a matter of fact, there is any other book that the re-organized church believes in, and holds to as a basis for its doctrine?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A-No sir.

338 Q-You don't know of any other? A-I don't know of any other book sir.

339 Q-There is just the new testament, the book of Mormon and the Doctrine and Covenants?

Counsel for the plaintiff objects to the question for the reasons above set forth.

A-I don't know of any other sir, besides the ones you have mentioned, but the bible.

340 Q-What is that? A-The bible, -the old and the new testament.

341 Q-Do you know of any book that is held as an authority in the reorganized church, called, or known as the "inspired translation"? A-Oh yes sir.

342 Q-Well what is that? A-That is what we call the bible, -that is what we term the bible.

343 Q-Do you accept that? A-Yes sir, I endorse the inspired translation, and believe it to be correct.

344 Q-You endorse it and believe it to be correct? A-Yes sir.

345 Q-Does the church also accept it as correct and endorse it? A-I could not say as to that, but I believe they do sir.

346 Q-Did you have that inspired translation in the church prior to 1844?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is incompetent, ~~irrelevant~~ and immaterial, and not proper cross examination.

A-No sir.

347 Q-What is that? A-I said no.

348 Q-When did you first find it as an authority? A-Well really I can't tell you when I read the new translation. It was translated in Joseph's day, but it was not printed then.

349 Q-Do you know whether or not it was ever adopted by the re-organized church?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A-I think that it was adopted by the re-organized church, but when and at what time it was adopted and endorsed by the re-organized church I don't know. I don't know that there was any special time that it was adopted by any conference or gathering of the church but it was endorsed as a divine inspiration, but what effect that endorsement had, I don't know.

350 Q-Was it or was it not endorsed after 1845 and before 1847 by the authorities there then? A-In Nauvoo?

351 Q-Yes sir?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is irrelevant and immaterial, and not proper cross examination.

A-I don't know as it was endorsed in Kirtland at all.

- 532 Q-I am not talking about what occurred at Hirtland,-
I am talking about at Nauvoo, and what occurred there
A-What is that.
- 353 Q-I say I am talking about Nauvoo? A-Do you refer
to this translation?
- 354 Q-Yes sir? A-It was talked of as a re-translation
of the bible but it was not published or printed in
Nauvoo.
- 355 Q-Not even by Brigham Young was it? A-No, I don't
think it was.
- 356 Q-What was the "seventy" to which you were introduced,
and belonged? A-What was ~~xxxx~~ it?
- 357 Q-Yes sir? A-I don't understand what you mean,-ex-
plain yourself?
- 358 Q-What seventy was it? A-The 16th seventy sir.
- 359 Q-What,-when do you say that you first heard of the
doctrine of polygamy? A-Well the first that I ever
heard of the doctrine of polygamy, was in the fall or
spring of '35.
- 360 Q-The fall or spring of '35? A-No that is a mistake,
-I mean '45.
- 361 Q-Well in the fall or spring which was it? A-Well
it was either in the fall or winter of '45 or the
spring of '46.
- 362 Q-Well why did you not,-first I will ask you to state
which it was the fall of '45 or ~~winter~~ the fall of
'46? A-Well it was in the fall of '45 and through
the winter and along up in the spring of '46. It
was introduced about a year after the death of Joseph
Smith.
- 363 Q-About a year after the death of Joseph Smith?
- 364 A-Yes sir, I think so.
- 364 Q-About what time of the year was Joseph Smith killed
- 365 A-He was killed in the fall.
- 365 Q-Of what year? A-1844.
- 366 Q-Joseph Smith was killed in the fall of 1844? A-Yes
sir I think it was. It was in the fall or summer
some time.
- 367 Q-Do you recollect the time that he was killed? A-I
recollect the circumstance, but of course I was not
present at the time he was killed.
- 368 Q-Where were you at the time he was killed? A-I was
at Layhart.
- 369 Q-Where is that? A-That is in Illinois, eighteen
miles from Nauvoo and sixteen miles from Carthage
where he was assassinated.
- 370 Q-Can you remember the kind of weather it was at the
time he was assassinated? A-Well I don't know that
I can. I can't remember that there was any extra-
ordinary kind of weather at that time.
- 371 Q-Well was it not in fact in the summer time? A-No
sir I think not,-not early in the summer any way.
I rather think it was in August or September. I
think it was some where along about there, but I am
not positive about it.
- 372 Q-Well was it not in fact in June? A-I can't say. I
don't think it was.
- 373 Q-It was not in June? A-I think not. I am kind of
forgetful about these things, and I don't remember the
month. It might have been in the summer.
- 374 Q-Did you see Joseph Smith after his death? A-Yes
sir I saw him after he was assassinated.
- 375 Q-How did you happen to see him? A-I went there to
Nauvoo to see him sir, and I did see him.
- 376 Q-When was that? A-That was right away after he
was assassinated, after they got him back to Nauvoo
of course, we got the news

- there at our place that he was assassinated, and of course immediately there was a great rush to Nauvoo, and I went to and saw him. It was right away after they brought him back to Nauvoo that I saw him because it was before he was laid out.
- 377 Q-Now you said that after the death of Joseph Smith you became a member of the quorum of seventy? A-Yes sir.
- 378 Q-It was the 16th quorum of seventy's? A-Yes sir.
- 379 Q-At what date in the fall was it that you became a member of the quorum of seventy? A-I am not positive I could not give it a date because my memory would not let me. That is something I cannot answer sir.
- 380 Q-Well was it in the fall? A-Yes sir.
- 381 Q-Of 1845? A-Yes sir.
- 382 Q-Where was it that you first heard this question of polygamy discussed or spoken of? A-Where did I first hear of it?
- 383 Q-Yes sir? A-I was in Nauvoo sir. I have stated that at least ten times since I began here to day.
- 384 Q-Well I don't think you stated it to me before, and you know I have a right to it? A-Well it was at Nauvoo.
- 385 Q-At what season of the year was it that you heard it discussed first? A-I was called in there to Nauvoo with all the surrounding branches by Brigham Young's proclamation, at the time that the people not members of the church were gathering in mobs for the purpose of doing violence to the Saints and persecuting them, for at that time we were advised to gather into Nauvoo so that we could the better protect ourselves from the violence of the mob, and so I went in there for winter quarters in the fall of '45, and I lived there through that winter and in the spring of '46 I left there.
- 386 Q-Well what time in the fall of '45 did you go in there? A-Well I can't say but it was along in the fall some time, -I think in the latter part of September.
- 387 Q-How long had you been there at Nauvoo before you were made a member of the quorum of seventy? A-Not a great while.
- 388 Q-Well about how long? A-I can't say, but it was not a great while.
- 389 Q-Now on what occasion did you first hear of this doctrine of polygamy? A-Well I can't say. I can't say what was the first I heard of it, but the first positive evidence I had of its being the doctrine taught by Brigham's organization, was when it was presented to my quorum. I had heard rumors of it before that time, but that was the first I ever heard of its being the doctrine of the organization they had there that Brigham Young was the head of it.
- 390 Q-Well I asked you on what occasion did you first hear of ~~it~~ the doctrine of polygamy? A-Well that would be hard to say, for I heard of it from a great many sources. From any source you might say for it was a ~~great~~ matter of common talk there during the winter. -It was marrying for eternity, so as to get ~~your~~ wife I supposed.
- 391 Q-Well now I want you to locate the time you first heard of it? A-About plural wives? -
- 392 Q-Yes sir? A-Well I have told you about that.
- 393 Q-Now you say that you heard of it in your quorum of seventy, and now I want to know if you heard of it before that time, and if so tell me from whom you heard it? A-I have told you time and time again that it was a matter of common talk there in Nauvoo during

- that winter, and I stated that I had heard rumors of it before it was officially presented in the quorum, but I cannot begin to tell you who I heard speak of it, -that is something beyond my power, for I do not remember it. Now when I come to think of it I don't think that I did hear of it, -I might have heard rumors of it before I went on that quorum of seventy, -but I rather think I did not, but at any rate pretty soon after I went on that quorum we were called together and instructed that that was a doctrine that we would have to preach if we were sent out, and I repudiated it, and then I was cut off for my action.
- 394 Q-That is what you were expelled from the quorum for?
A-Yes sir.
- 395 Q-For your refusal to agree to teach polygamy?
A-Yes sir.
- 496 Q-How long did you belong to the quorum? A-Not a great while.
- 397 Q-Well about how long? A-Just a few months.
- 298 Q-Well state about how many months you belonged to it? A-Well may be five or six months, -something like that.
- 399 Q-Did you hear it preached at the time you joined the quorum? A-I said a ~~xxx~~ while ago that I had, but that was owing to the fact that I misunderstood the question, for I never heard it preached.
- 400 Q-Did you hear of, -did you hear it talked of at the time, or prior to the time that you joined that quorum? A-No sir, but I heard of the doctrine of sealing one woman to a man for eternity. I heard of that but not about ~~x~~ polygamy.
- 401 Q-When did you hear that talked of? AA-At the introduction of polygamy.
- 402 Q-Well when? A-Well at that time, -just a little before it, for that was introductory to polygamy.
- 403 Q-I understand you to say that you heard of the circumstance of ~~polygamy~~ women being sealed to men before you heard the doctrine of polygamy openly advocated? A-I never heard the doctrine of polygamy publicly advocated in the world. Never.
- 404 Q-You never heard of it publicly? A-No sir, -I never heard it publicly advocated at all.
- 405 Q-Well how did you hear it? A-I heard it in the quorum at the time that I spoke of, but that was just to the quorum, and then I heard it talked about in a great many circles. It was a matter of common chat amongst the people in a private way that winter, but I did not hear it publicly.
- 406 Q-Well you did hear it taught in the quorum? A-Yes sir.
- 407 Q-When did you hear it taught in the quorum?
A-Polygamy?
- 408 Q-Yes sir? A-Well that was in the spring of '45 I think. I joined the quorum in '45, and I think it was in the spring that it was taught to us there.
- 409 Q-If you joined the quorum in the fall of '45 it must have been in the spring of '46 that you heard it taught in the quorum, and not in '45? A-Yes sir it was in '46 and not in '45.
- 410 Q-When did you join the quorum? A-I think it was in the spring of '45.
- 411 Q-That was the time that you joined the quorum?
A-Yes sir.
- 412 Q-Well now the reason I asked you that question is because, -?
A-Well '45 was the first time I ever heard of it, -~~x~~ that is heard of polygamy.
- 413 Q-Well what season in the year was it that you first heard of it? A-Well it was in the spring or winter. I don't make any dates on it, for I don't remember, and I might possibly be mistaken about that.

- 414 Q-Now you say now that you became a member of the quorum in the spring of '45 A-Yes sir, I think that was the time.
- 415 Q-Well I understood you a moment ago to say that you became a member of that quorum in the fall of '45? A-Well that was the time I joined the quorum, -I did not understand what you meant, -I thought you referred to the time I first heard polygamy spoken of, and that was the time. I can't remember these things as to the dates that I heard this and that for I did not charge my mind with it.
- 416 Q-Well answer me this question, -did you hear polygamy spoken of before you were a member of the quorum of seventy? A-No sir.
- 417 Q-You are positive of that? A-Yes sir, for there was nothing known about polygamy at the time ~~that~~ that I became a member of the quorum, but it was not long after that that it was introduced as a subject of conversation, or common chat.
- 418 Q-Well you now say you joined the quorum of seventy in the spring of '45? A-I think it was.
- 419 Q-Well I want you to be as nearly accurate about that as you ~~xxx~~ ~~xx~~ possibly can be? A-Well I think it was some where near that time. I can't be positive, but I think it was some where near there.
- 420 Q-Then you must have become a member of the quorum of seventy in the spring of '45 and not in the fall of '45? A-In the spring?
- 421 Q-Yes sir, I say you must have become a member of the quorum ~~xx xxxxxx~~ which you joined in the spring of '45 instead of in the fall? A-Well I am not positive as to whether it was in the spring or in the fall. I could not say positively as to that sir.
- 422 Q-Is there not something that will enable you to fix the time with reference to the season of the year that you joined that quorum? A-I can't say, -I can't tell you positively when it was.
- 423 Q-Well can't you call to mind something with reference as to what kind of weather it was, that will enable you to fix more definitely the time of year it was? A-It was a long time ago that all this occurred, and I am a little forgetful about these things, and I don't know that I can recall anything that will help to fix that in my mind. I don't know that I can recall anything that will fix it in the spring or in the fall.
- 424 Q-Well you say that you heard it spoken of after you joined the quorum of seventy? A-I did.
- 425 Q-Now did you hear it spoken of in a meeting of the quorum? A-Yes sir.
- 426 Q-How did it come up in the quorum? A-The quorum was called together specially for that matter to be presented to them, and that question was propounded to the quorum that I belonged to by its President, and he wanted to know if the members of the quorum would agree to teach that principle, -that is the principle of plural marriage or polygamy as it is called, in case they were sent out to preach the faith as it then existed, and the statement was made by the quorum ~~of xxxxxxxx~~ if there was any body there that would not agree to ~~xxxx~~ preach and teach it they would be expelled. That is what I know occurred in the quorum that I belonged to, and I understand that all the other quorums were called together, and asked the same question.
- 427 Q-Who was the first man that approached you on the subject? A-Upon the question of polygamy?
- 428 Q-Yes sir? A-Well that was the time, but I had heard it talked of before.

President of the

- 429 Q-You had heard of it before? A-Yes sir I had heard rumors, but nothing that I could call definite.
- 430 Q-Now when did you first hear it spoken of? A-Well I could not tell you that. I could not say, for for a while there was not much else talked of.
- 431 Q-Well I think it is hardly necessary to ask you for the name of the first man or person you heard speak of it? A-Well I could not tell you if you did
- 432 Q-Well can you give me the names of some of the first persons you heard speak of it? A-Heard speak of it, -? In what way?
- 433 Q-That spoke to you on the question of polygamy? A-Well I talked with Reynolds Cahoon of the temple Committee, and I was pretty well acquainted with him, and I talked with him in the winter of '46, and I talked with others, - quite a good many men of considerable distinction upon the subject, - that is I talked with quite a considerable number of men of distinction in the church, whose names I can't give you now, but I talked with them on the subject, and some of them agitated every extreme action.
- 434 Q-Now you have mentioned Reynolds Cahoon? A-Yes sir
- 435 Q-And there was others? A-Yes sir, there were others, whose names I cannot remember.
- 436 Q-Well who did you hear else? A-Well I heard Brigham Young preach advocating polygamy at Layharts.
- 437 Q-You heard Brigham Young preach at Layharts? A-Yes sir.
- 438 Q-When was that? A-That was in the fall of '45, - he preached a sermon there that was very much contaminated with polygamy.
- 439 Q-Now you took a covenant there did you not, - there at Nauvoo? A-Yes sir.
- 440 Q-Well when did you take that? A-Well that was about the same time.
- 441 Q-To go back, I will ask you for the time you had your first conversations with any one on that subject, - that is on the subject of polygamy? A-Well I can't say, for I suppose I have talked with fifty people on that ~~xxxxxx~~ question, and I could not begin to tell you when I had the first talk on the matter.
- 442 Q-You say you do not remember the name of the first man that spoke to you on that question? A-I can't remember the name.
- 443 Q-Now is it not likely that you would be able to remember the name of the first man who approached you on a subject of such grave importance to the church as the question of polygamy was? A-Well I learned from those who went into the endowments that it was introduced there as one of the ceremonies in '46.
- 444 Q-Well I am talking about the matter of polygamy? A-I can't give you the name of the first person who spoke to me about it.
- ~~445~~ Q-
- 445 Q-Now with reference to the endowments, - can't you give me the name of the first man that spoke to you on that question? A-No sir.
- 446 Q-Well I will ask you if it is not likely that you would remember the name of the person who first spoke to you ~~xxx~~ upon a question of such great importance to the church? A-I cannot remember, but as I said before I talked with some persons who took the endowment there, and they informed me that they were introduced as a part of the ceremonies in the church in '46. I have talked with different ones who have been through the endowments, and some of them were sealed.
- 447 Q-Well I will ask you if it would not have shocked ~~xxxx~~ you for some

one to approach you on the question of polygamy, -if such an approach would not have been shocking to you?
A-Well it was not on the streets.

448 Q-Well I am not asking you anything about the streets or what occurred on the streets, -I asked you if it would not have shocked you for some ~~xx~~ one to approach you on the question of polygamy? A-Well sir I want you to understand that I was never approached to endorse the system at all.

449 Q-Well I am not asking you that either. I asked you if it would not have shocked you, and did it not have that effect on you when the question was first broached in your presence? A-I did not like it I can assure you, -it was not very palatable to me, -on the contrary it was very distasteful to me.

450 Q-Well if it had that effect on you why is it that you cannot remember who it was ~~xxxx~~ first spoke of it? A-Well as I before told you I don't know that I can give you the date or time that it was first spoken of in my presence, or the name of the party who first spoke of it, -in fact I am sure that I cannot do that, but it was some thing like eighteen months or such a matter after Joseph's death. Well perhaps it was not much over a year after Joseph's death that polygamy was introduced, or became talked about as a matter of more or less general conversation.

451 Q-Well how does it come that you can state it was over a year, or within a year after Joseph Smith's death that you heard it, -that it became talked about, and you cannot state when it was first talked about? A-Well I can remember these things in a general way of course, but all this occurred so long back, -nearly fifty years ago it was, -that I cannot remember who I first heard talk about it, or when I first heard it talked about only in a general way.

452 Q-Well I will ask you if such a revolting doctrine did not make an impression on your memory? A-Certainly, I remember right well the fact that it was spoken of to me and that I did not approve of it, and so expressed myself at the time. I would not remember however that I heard it at such and such a time.

453 Q-Would it not be impressed upon your memory so that you could ~~xx~~ specify the names of the persons whom you first heard speak of it? A-Well I could specify the names of a great many men if I felt so disposed.

454: Q-What is that? A-I say I could state the names of a great many men who I heard speak about it if I felt so disposed.

455 Q-Well are you disposed to state their names? A-Yes sir.

456 Q-Well who are they? A-I heard Phineas Young and quite a number of ~~xxx~~ different men that I was associated and acquainted with talk about it. It was not a matter that was kept secret, -it was a matter that was talked of there freely.

457 Q-Well now you have mentioned two men, -E. Cahoon and Young as being parties whom you heard speak of this doctrine? A-Yes sir.

458 Q-Well now can you mention any others? A-Well sir I could mention the whole community if I could think of their names, but there was but very few stayed where I did at that time in that community at that time, -

459 Q-Stayed where you did, -what do you mean by that? A-I meant to say that there was but few that stood where I did in the repudiation of that doctrine, for I repudiated it and would not have anything to do with it whatever.

- 468 Q-Well how many did stand at that time where you did?
 A-Well there was not many".
- 469 Q-Well about how many? A-Well there was not more than
 one in ten.
- 470 Q-How many would you put the number at that repudi-
 ated that doctrine? A-I can't say, but there was
 now and then one that would not endorse that doctrine
- 471 Q-Well was there one hundred at Nauvoo that would not
 endorse it? A-Yes sir.
- 472 Q-Well was there more than one hundred? A-Yes sir I
 think there was.
- 473 Q-Well about how many was there that repudiated that
 principle? A-In Nauvoo do you mean?
- 474 Q-Yes sir? A-Well there was probably two times that
 amount.
- 475 Q-May be there was two hundred at Nauvoo that refused
 to accept or endorse that doctrine? A-Yes sir.
- 476 Q-That would not endorse the doctrine of polygamy?
 A-Yes sir.
- 477 Q-Do you mean also the sealing of wives? A-Yes sir
- 478 Q-Now you have spoken of the endowments there at
 Nauvoo? A-Yes sir.
- 479 Q-There was endowments conferred there? A-Yes sir
- 480 Q-I believe you stated that you never took any of
 the endowments there? A-No sir.
- 481 Q-You did not take any of them? A-No sir.
- 482 Q-Where were you ever invited to do so? A-Yes sir.
- 483 Q-When? A-In '46.
- 484 Q-In what part of '46? A-In the winter of '46.
- 485 Q-You have said that you did not know of any endow-
 ments being practiced prior to that time have you
 not? A-I said I did not know of any endowments in
 the old church but the endowments at Kirtland temple,
 for they had an endowment there at one time, and I
 know of no other endowment that was ever practiced
 in the church except the endowment at Kirtland
 temple after, -I mean at the temple in Nauvoo, after
 the death of Joseph Smith. That is what I said I
 think, and if I did not say it, that is what I intended
 to say.
- 486 Q-How can you say that the endowments that were prac-
 ticed in '45 and '46 had not been practiced in '44?
 A-Because I know nothing of it in '44 but I did in
 '46.
- 487 Q-And that is the only reason why you say it was
 not practiced in '44? A-Yes sir.
- 488 Q-Because you had not heard of it? A-No sir, and I
 will say that I think it could not have been practic-
 ed without my hearing of it. I never heard it, and I
 think I should have known of it if I had heard of it.
- 489 Q-Is there any record of these endowments that were
 practiced in Kirtland? A-There is no record that I
 know anything of.
- 490 Q-And so you did not know of nor hear of any endow-
 ment that was practiced in the church from the time
 of the endowments at Kirtland until the time of
 the Nauvoo endowments? A-No sir I did not know of
 any endowments being practiced in the church before
 the time of the Kirtland endowments, until the time
 that the endowments were practiced at Nauvoo, after
 the death of Joseph Smith.
- 491 Q-When did you say that the endowments were practiced
 in Nauvoo? A-That was in the winter of '46 that they
 were practiced there.

- That is when they were practiced there in Nauvoo.
- 484 Q-Can you say also on the same principle that any one practiced polygamy in Nauvoo in 1845? A-Until 1845?
- 485 Q-I asked you if you could say from the same principle that any one practiced polygamy in Nauvoo in the year 1845? A-In the fall of '45,-the winter of '45 I believe it was, but there was a few of them practicing polygamy.
- 486 Q-You know that to be a fact? A-I have the best reason in the world to believe that it is a fact.
- 487 Q-Could you say as a matter of fact that they had not been practicing it long prior to that time? A-I could not say.
- 488 Q-Well would you say that they had not been practicing it long prior to that time? A-I say I couldn't say for if they had been at it before that time it was done on the sly and was not openly and publicly advocated as a public doctrine.
- 489 Q-Then what you mean to say is that polygamy was not advocated publicly, prior to the fall of 1845? A-Yes sir.
- 490 Q-That is what you mean to say? A-Yes sir.
- 491 Q-Now do you mean to say that it was not practiced privately, by the head men of the church prior to that time? A-No sir, I mean to say that I don't believe it was. I don't believe it could be so and I not have heard of it, but if it was it was done mightily sly, and they took might good care to keep it secret, and not let it get out, but I don't believe there is anything in that. I know I never heard of it before '45 and away.
- 492 Q-And you say the same with reference to the endowments if they were practiced in the church prior to '45? A-Yes sir.
- 493 Q-Would you have heard of the endowments also if they had been practiced in the church prior to the death of Joseph Smith? A-Yes sir, I think I would.
- 494 Q-And what you say is that you did not hear of them before that time? A-Yes sir, and I believe they were not practiced until then either.
- 495 Q-Was it not publicly known that you were opposed to these principles or practices? A-It could not have been known for ~~me~~ I had not heard anything of it until that time, therefore it could not be known how I felt about it as there was no occasion for me to express myself.
- 496 Q-Well at the time it was first talked about it was well known that you were opposed to them was it not? A-In "46-it was.
- 497 Q-Well was it not also known prior to that time that you were opposed to it? A-No-sir, for I did not know anything about it. I never heard of these things until in '46 or just previous to that.
- 498 Q-You cannot say either that it was not practiced prior to-'44 privately and extensively? A-No sir I cannot say as to that for I don't know, and I don't believe that it was.
- 499 Q-Did you know anything about Bennett's secret wife system? A-Bennett's?
- 500 Q-Yes sir? A-Well no,-I don't know anything about his secret wife system?
- 501 Q-You say you don't know anything about that? A-No sir.
- 502 Q-Did you ever hear it spoken of there in Nauvoo? A-No sir I never heard of a secret wife system.
- 503 Q-Did you ever hear of a secret wife system of any body's there in Nauvoo? A-No sir, no more than plurality, and the common practice

of sealing in the temple, - sealing man and wife.

- 504 Q-Did you ever hear of any secret wife system prior to 1844? A-I think it was early in 1845 that John C Bennett was expelled from the church there on a complaint of intimacy with a woman, and ~~xxx~~ he ~~xxxxxxx~~ then turned a persecutor of the church, and wrote a pamphlet in opposition to the church, demeaning the church, etc.
- 505 Q-He wrote a pamphlet against the church? A-Yes sir, and there was one sent out against him in reply I think. It was not ~~spiritual~~ particularly on the spiritual wife doctrine, but it was on account of John C Bennett's conduct with a certain lady, and that circumstance created quite a stir for Mr Bennett was quite a conspicuous character in Nauvoo at that time.
- 506 Q-What was it created the stir? A-His expulsion from the church and that was for the reason of his conduct with this woman, and that matter created a great deal of comment in the church on account chiefly of the conspicuous place that Mr Bennett occupied in the church.
- 507 Q-Now in what year was that? A-That was I think early in '45.
- 508 Q-How long, with reference to that time was it, before you heard of the doctrine of polygamy? A-It was quite a while, - I can't say just how long it was, but it was quite a while.
- 509 Q-Well about how long was it afterwards before you heard the question of polygamy talked of or agitated in the church? A-Well as I say I could not state the time exactly, but it was nearly a year after that. It was nearly or quite a year after that before I heard anything about polygamy.
- 510 Q-Nearly a year after this trouble with Bennett? A-Yes sir, about that time I think.
- 511 Q-What was the definite cause of that trouble? A-Well that trouble with Bennett was caused by his living in a house with a woman by the name of Mrs Orson Pratt. They accused him of undue intimacy with Mrs Pratt, and there was quite a row among the dignaries. I can't recollect just how it all was, but any way the up shot of it was that he was turned out of the church, and after he was out of the church in revenge I suppose he turned around and wrote ~~the~~ against the church.
- 512 Q-Who did you say this woman was that he was accused of being unduly intimately with? A-Mrs Orson Pratt.
- 513 Q-Was that Orson Pratt's wife? A-Yes sir.
- 514 Q-Where was Pratt at that time? A-He was in England.
- 515 Q-Do you remember about the time of the destruction of the Expositor? A-Yes sir.
- 516 Q-You remember that circumstance? A-Yes sir.
- 517 Q-Well when would you place that date? A-Of the destruction of that paper, or its office?
- 518 Q-Yes sir? A-Well that was but a short time I think before Smith's death. That was in '43 I think or probably in the early part of '44. Now as I said before with reference to these dates it is something I can't remember, and I only give the dates as nearly as I can remember.
- 519 Q-Well about how long before his death was it? A-I can't say, but my impression is that it was only a short time before it. He was the Mayor of the city at the time it occurred, - that is at the time of the destruction of the Expositor.
- 520 Q-Do you remember anything about the reason the Expositor was destroyed?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination and hearsay.

A-Yes sir.

521 Q-Well why was it destroyed if you know? A-It was declared a nuisance by the city council, and Joseph Smith was notified as Mayor of the City to have it destroyed or suppressed, and he objected so I understand, for recollect I am not stating what I have been informed, -he objected to doing so, so I was informed, but they insisted upon it, and so it was destroyed.

522 Q-Who insisted upon it? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

523 Q-Answer the question? A-The city council.

524 Q-And so it was destroyed? A-Yes sir.

526 Q-Do you know what was the matter with it? Counsel for the plaintiff objects to the question for the reasons above set forth.

A-Yes sir.

527 Q-Well what was the matter with it? A-Well it was a nuisance.

528 Q-Well what made it a nuisance?

Counsel for the plaintiff objects to the question for the reasons above set forth, and for the reason that it calls for an opinion of the witness.

A-Well there was written and published in that publication slanderous stories about A, B and C and others, and these slanderous stories were written by parties who had left the church.

529 Q-What was the nature of the stories or exposures? Counsel for the plaintiff objects to the question asked the witness for the reason that it is incompetent, irrelevant and immaterial, and not cross examination, and calls for an opinion of the witness.

A-Every kind of a slander was charged that they could bring upon the church, -everything vile and slanderous that they could bring against the church they did so.

530 Q-Did you ever see a copy of the Expositor? Counsel for the plaintiff objects to the question asked the witness for the reason that it is irrelevant and immaterial.

A-Yes sir.

531 Q-Did you ever see the last copy of the Expositor? A-I could not say whether I did or not.

532 Q-Do you know how many copies of it were published? A-I don't know.

533 Q-You don't know how many copies of it were published? A-No sir.

534 Q-Do you know whether or not there was more than one? A-I rather think there was more than one published, but I could not say positively, for I did not charge my mind with it, but I think there was more than one.

535 Q-Did you ever see a copy of it? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is irrelevant and immaterial and not cross examination.

A-Yes sir, I did.

536 Q-Do you know what was in it? A-No sir. I read it but it has all passed out of my mind, and I cannot say what was in it, or what it contained.

529 Q - Why was it destroyed? A - They destroyed it as a nuisance.

537 Q-You remember that it was slanderous? A-Yes sir, and that these slanders were particularly aimed at Joseph Smith. I remember that.

538 Q-Did you read it about the time that it was published?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not cross examination and is irrelevant and immaterial.

A-Yes sir.

539 Q-Look at the paper I hand you, and state whether or not that is it? A-Well yes sir it was a paper about the size of this one, and probably this is it. If I read anything in that paper I don't recollect what it was. I remember that it was called the Expositor and I remember the strain of the paper, and they slandered everything that they considered derogatory to their views, as they were the dissenting party in the church, and it was published and sustained by the parties that had been disfellowshipped by Joseph Smith.

540 Q-Who were these parties? A-Well ~~xxxx~~ there were such parties as Dr Foster, and Law, and a few others that got together of that same stripe, and they were the institutors of that paper, and they made it their business to slander everybody that had anything to do with the church.

By Mr Kelley, - "All this is objected to on the ground that it is not cross examination and is immaterial."

By Mr Southern, -

541 Q-Was William Law one of these parties that you spoke of?

Counsel for the plaintiff objects to the question for the reasons above set forth.

A-I think he was.

542 Q-Well do you know whether he was or was not? A-I say I think he was then, ~~he~~

but if he was not at that time he was soon afterwards. It was not long after that that he went with them if he was not acting with them then.

543 Q-He acted against Joseph Smith then? A-Yes sir he became a bitter enemy of Joseph Smith.

544 Q-Was Austin Cowles one of these parties? A-That engaged in this enmity to Joseph?

545 Q-Yes sir, if you desire to put it that way? A-Yes sir.

546 Q-Was Jane Law in any way connected with it?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is immaterial, and not proper cross examination.

A-Well now I don't know that he was.

547 Q-I said Jane Law? A-Jane R Law?

548 Q-Yes sir, the wife of William R Law? A-What do you want to know about her?

549 Q-Was she engaged in it in any way? A-Not that I know of sir, but she might be mentioned in it too. I don't know how that is sir, but I don't recollect about her having anything to do with it.

550 Q-Do you recollect whether any of these slanders you refer to had any reference to a revelation?

Counsel for the plaintiff objects to the question asked

~~xxx witness~~ for the reasons above set forth.

A-Did what?

551 Q-I asked you whether any of these slanders you referred to, referred to an alleged revelation by Joseph Smith? A-No sir.

- I don't know that I know it, -I don't know that I do.
- 552 Q-Well did you not hear that that was the case? A-No
sir I never heard of it at all then.
- 553 Q-Did you heard that any time? A-I know that some
time after his death it was alleged that he had a
revelation on plurality of wives.
- 554 Q-It was alleged that Joseph Smith had a revelation
on that? A-Yes sir, but I never believed it, -I did
not believe it then, and I don't believe it now.
- 555 Q-Do you know whether anything of that kind was
charged against him in that paper that you speak
of, -that paper or publication called the Nauvoo Ex-
positor? A-Well now I don't remember that it was.
- 556 Q-Would you say that it was not?
Counsel for the plaintiff objects to the question asked
the witness on the ground and for the reason that it is
no irrelevant and immaterial and not cross examination.
- A-I cannot say.
- 557 Q-Well what is your best recollection about that?
A-I am not conversant enough with the paper to state
anything like that, and my memory is not good enough
to say whether it was or was not.
- 558 Q-Is your memory good enough to say that there was
an affidavit appeared in that paper signed by William
Law? A-I don't remember sir, but I have heard; William
Law's testimony of that subject.
- 559 Q-On what subject? A-That is against Joseph Smith.
- 560 Q-Do you remember whether or not he bore testimony
before the death of Joseph Smith?
Counsel for the plaintiff objects to the question for the
reasons above set forth.
- A-I know he did.
- 561 Q-Well what do you know about it? A-I know he bore
testimony before the grand jury against Joseph Smith.
- 562 Q-Who did? A-William Law, did.
- 563 Q-That was before his death? A-Yes sir before Joseph's
death.
- 564 Q-Do you know what the charge was?
Counsel for the plaintiff objects to the question asked
the witness on the grounds above set forth, and on the
further ground that it does not call for the best evidence
- A-Yes sir.
- 565 Q-What was it? A-I heard his oath sir for I was one
of the grand jury that took his testimony, and his
oath was that Joseph Smith had violated the pledges
of his office in the church and other wise, -at least
he swore that Joseph had violated the rules of pro-
priety, by advancing his wife immodestly and improper-
ly.
- 566 Q-How "advancing his wife?" A-For advancing his
wife improperly.
- 567 Q-Why, -how? A-Well that is what he said, and you can
place your own construction on it.
- 568 Q-How should that be a charge before the grand jury?
A-Well that is one of his evidences, and the grand
jury, or its foreman told him to bring his wife there,
but he did not do so, for Mr Law said that his wife
would not appear before the grand jury in the state
of Illinois.
- 569 Q-Well I don't understand that yet, -tell us what
the charge was? A-Well he said he advanced his wife
improperly.
- 568 Q-Advanced his wife improperly? A-Yes sir.
- 569 Q-Whose wife? A-Law's.

570 Q-Is that all he said? A-Yes sir.
 571 Q-Well what then? A-Well we told him we did not
 want any more of his evidence if it was second-handed
 572 Q-Well what else did he want to bring before that
 grand jury? A-Who?

573 Q-William Law? A-He did not bring anything else in
 himself.
 574 Q-Well what else was brought in? A-There was another
 charge brought in and I think by a man by the name
 of Jackson.

575 Q-Well what did he charge? A-He stated that Joseph
 Smith kept a house for the deposit of stolen goods
 from Iowa, such as beef, etc., and that it was brought
 over from Iowa and put in his cellar.

Counsel for the plaintiff objects to the last question
 asked the witness, on the ground that it is irrelevant and
 immaterial, and is not cross examination, and moves the
 court to strike the answer from the record for that reason

576 Q-Well was there anything else brought before that
 grand jury of which you were a member with reference
 to Joseph Smith's relation to other women? A-No sir.
 Nothing only what I told you about what Law testi-
 fied to.

577 Q-Now you stated that Law swore that Joseph Smith had
 advanced his, Law's, wife? A-Yes sir.

578 Q-Well will you explain what you mean by that? A-Well
 we understood that

Joseph Smith had advanced Law's
 wife for improper inter course.

579 Q-Had made improper advances? A-Yes sir.

580 Q-To whom? A-To Mrs Law.

581 Q-That he had made some one the agent by which he had
 approached Mrs Law? A-No-sir that he himself had
 improperly advanced Mrs Law. He did it himself. That
 is what Law said that Joseph Smith had improv-
 erly advanced his wife.

582 Q-Who had done that? A-Mr Smith. Mr Law testified
 to-that himself but the grand jury told him he would
 have to bring his wife before them and let her testi-
 fy herself that they could not take second handed
 testimony. When they told him that he must bring
 his wife before the grand jury then Law said he
 would not do it.

583 Q-When?

Would you be able to state what term of the
 court that was, -whether it was the spring term or
 the fall term? A-I think it was the fall term.

584 Q-You say it was the fall term? A-Yes sir, I think it
 was.

585 Q-Well if it was the fall term, would it have been the
 October term? A-I can't say, but I know that it was
 just a short time before his death.

586 Q-Was there, or was there not indictments found again-
 st him at that time?

Counsel for the plaintiff objects to the question asked
 the witness on the ground and for the reason that it is
 incompetent, irrelevant and immaterial, and not the best
 evidence.

A-No sir.

587 Q-There was not any indictments against him you say?
 A-There was not any found against him by that grand
 jury.

588 Q-Do you recognize this which I am now going to read
 to you, as anything you saw or read at or about the
 time of the publication of the Expositor?

Counsel for the plaintiff objects to the question asked
 the witness for the reasons above set forth, and for the
 reasons on that

which counsel for the defendant proposed to read, has never been identified.

289 Q-I will read as follows,—"The May term of the Circuit Court of this county closed on the 30th ultimo, after a session of ten days. We understand that a large number of cases were disposed of, none however of a very important character. The ~~xxx~~ cases where- in Joseph Smith was a party, were transferred by a change of venue to other courts. That of A. Sampson vs J. Smith, for false imprisonment to Adams County; that

of F.M. Higbee vs-Joseph Smith for slander, and that of C.A. Foster, vs Joseph Smith and J.W. Coolidge for false imprisonment, and that of A. Davis vs Joseph Smith and J.P. Green, for trespass, were all transferred to the county of McDonough. The grand jury bound two bills against Joseph Smith, one for perjury and another for fornication and adultery; on the first of which Smith delivered himself up for trial, but the state not being ready, material witnesses being absent, was deferred to the October term." Now do you remember of ever seeing, or hearing of that publication?

Counsel for the plaintiff objects to the question, asked the witness for the reasons above set forth.

A-I recollect something about the circumstances mentioned there.

590 Q-Well what do you recollect about it? A-I recollect of the change of venue being taken. He was taken back to Nauvoo instead of being taken to Missouri, and he was protected there by the citizens. By the members of the church.

591 Q-Do you recollect of seeing or hearing about that time, an affidavit of the following purport?

By Mr Kelley,—"We object to the answer of the witness and move the court to strike the whole of it from the record on the ground that it is incompetent, irrelevant and immaterial to any of the issues in this case, and there is no foundation laid for the introduction of the paper or any part thereof ~~xxx~~ from which counsel for the defendant has read an extract, and proposes to read further to the witness."

By Mr Southern,—"

592 Q-Here is what I propose to read to you,—"I hereby certify that Hyrum Smith did (in his office), read to me a certain written document which he said was a revelation from God, he said that he was with Joseph when it was received. He afterwards gave me the document to read, and I took it to my house, and read it, and showed it to my wife, and returned it next day. The revelation (so called) authorized certain men to have more wives than one at a time, in this world and in the world to come. It said this was the law, and commanded Joseph to enter into the law. And also that he should administer to others. Several other items were in the revelation supporting the above doctrines," signed "Wm Law". Now I am not asking you whether what I have read is true or not, but whether you ever knew of an affidavit of this purport at the time spoken of?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason "that it is incompetent, irrelevant and immaterial, and for the further reason that it is not cross examination and the paper from which the alleged revelation has been read has not been identified, nor has the affidavit been identified by the witness."

593 Q-Now did you ever hear, at or about that time, of the charge made in this affidavit which I have read?

A-No sir, I don't remember of any such a charge being made. I know there was a period when they circulated this report and had him arrested, but I don't remember anything about the kind of a statement that there is there. I know that

of which I was a member.

594 Q-Do you know whether or not this was one of the things that was objected to in the Expositor? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination, and no foundation laid for asking the question

A-I don't know.

595 Q-Do you know anything about that? A-I don't know that that was one of the identical things that caused them to declare it a nuisance, and I don't know that it was declared a nuisance on any specific ground, but I know that the city council did declare it a nuisance and it was destroyed, but in which direction, or how many directions it was deemed a nuisance I don't know anything about that.

596 Q-Well will you tell me some of the directions in which it was declared a nuisance?

Counsel for the plaintiff objects to the question for the reasons

above set forth.

A-I don't know anything about it, and I don't pretend to know anything about the reasons why they declared it a nuisance, and I don't know that they stated the nuisance.

597 Q-Did you not say awhile ago that you saw this paper before? A-Yes sir that is what I said.

598 Q-Did you not say that you saw it at the time it was published? A-No sir.

599 Q-Well what did you say about it? A-I said that I might have seen it.

600 Q-Well what do you say about it now? A-I say now that I might have seen it. It is probable that I

did see it, and it is possible that I might have read something in it at that time, -it is possible that I did, but if I did I don't remember, as I did not pay much attention to it, but there is no doubt of the fact that I saw it that paper before to day.

601 Q-Did you not say that you saw a copy of it at the time of its publication? A-Yes sir I think I saw a copy of it.

602 Q-And were you not acquainted at that time with its contents? A-With what?

603 Q-With the character of its contents? A-Yes sir I was I think by general conversation. I don't know that I read it at that time

but it was something that created a great deal of a stir there at the time it was published, and I think I got more acquainted with its conversation by general conversation that was going on about it than in any other way. You must remember that there were two parties there in Nauvoo at that time at strife with one another, and they were at each other personally, and in the press and through the courts, and in fact in every way they could.

604 Q-Did you know at that time that the question of plural wives was one of the questions that was agitated? A-No sir.

605 Q-You did not? A-No sir, I think not.

606 Q-Did you not know that there were charges of adultery being practiced, and charges of a revelation on plural marriage having been received, and that the charge of the practice of plural wifery, were broadly asserted in that paper? A-I can't say. If I heard of it at that time I don't remember it now.

607 Q-Don't you remember what you read in that publication? A-No sir.

I don't remember anything about what was in it for I did not pay any attention to it. I don't even remember of reading anything in it, for I made up my mind that it was the out growth of the war that was raging there at the time, and so I paid no attention to it.

608 Q-That is what you saw in answer the question I have asked you? A-Yes sir.

609 Q-All these matters were matters that occurred prior to the death of Joseph Smith? A-Yes sir. That is so, but the polygamy that I have testified I heard about was after the death of Joseph Smith.

610 Q-You heard about it then? A-Yes sir, I did after Joseph's death, -it was common talk then.

611 Q-You did not hear anything of that sort at the time of the destruction of the Expositor? A-No sir.

612 Q-Did you hear of sealing being taught at that time? A-When?

613 Q-At the time of the destruction of the Expositor? A-Yes sir.

614 Q-What did you hear about that? A-I heard of sealing a man up to ever lasting life.

615 Q-Well was that at the time of the destruction of the Expositor? A-No sir, that was in the early days of the church, old Father Smith giving the patriarchal blessing,

and we called it sealing them up to eternal life, but that was not sealing a man's wife to him, for that was another thing entirely.

~~615 Q-You never did that? A-No sir, I don't know that I did.~~
616 Q-That was not the same kind of sealing as sealing a man's wife to him? A-No sir, that matter of sealing a man's wife to him was quite another thing.

617 Q-So then I understand you to testify here, that at about the time of the destruction of the Expositor, and prior to the time of the death of Joseph Smith, you never heard any charge made against him, or against any one else, in the church with reference to polygamy? A-No sir.

618 Q-You never did? A-No sir, I don't know that I did.

619 Q-Now with reference to plural marriage? A-No sir, not to my remembrance I did not. I don't remember of ever hearing anything of the kind, and I think if I had heard it I would have remembered it. Now there was a good deal of surmising going on, and some talk too in certain quarters but I paid no attention to it though.

620 Q-Where was that going on? A-Oh in certain places.

621 Q-Well state some of the places? A-Well as I said before there were two parties there and they were abusing each other, and I had my confidence with the party that remained with the church, and I did not have a bit of confidence in the party that dissented from the church. Now I may be prejudiced or what ever you choose to call it, but I reposed my confidence in Mr Smith and the party that stood by him, and so I paid no attention to what this other party said for I knew right well that they would not stop at anything to attain their end which I verily believe was the ruin of the church, and they came pretty near succeeding in their design too as it turned out. Mr Smith had my confidence then, and the party that were with him had it then as they have now.

622 Q-Well you say there was surmisings prior to his death? A-Yes sir. Yes sir, there was, and clear back in the origin of his history there was.

623 Q-Well what were they? A-Well he had trouble in Kirtland.

624 Q-Well what were they? A-What was what?

625 Q-What were these surmises that caused trouble in Kirtland?

Counsel for the plaintiff objects to the question asked the witness for the reason that it is not cross examination, and is irrelevant and immaterial, and calls for an opinion of the witness, and hearsay testimony.

A-Oh different things, -some of the people were not satisfied with their position in the church and others were not satisfied with the doctrine and so forth. There was dissatisfaction there at that time for five of the quorum of Twelve apostatised at one

time and left the church, but it survived it as it has survived greater troubles and perils.

626 Q-What were these surmises concerning? A-Different things.

627 Q-Well state them? A-I couldn't state all of them.

628 Q-Well state some of them? A-Well I can't say that I can state specifically what it was only it

was finding fault with this and that. They left the church but they claimed to be good church people never the less for they were good religious people, or claimed to be.

629 Q-Were any of these surmisings with reference to the name of the church? A-I believe in some instances it was, -that was a cause of trouble also I believe.

630 Q-Were any of these surmisings with reference to the doctrines he held? A-That Joseph taught?

631 Q-Yes sir? A-I believe they were. With reference to the doctrines, -no sir I don't know that they were.

632 Q-Did they suppose ^{that} he held or entertained any doctrines secretly? A-What is that?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons above set forth.

633 Q-Did they surmise that he had doctrines which he taught to some that were not taught publicly? A-They persecuted him ~~xxxxxxxxxx~~ principally as I got the idea, because of his personal actions, and the people, or some of them were dissatisfied with his dignity, and they dissented from it, and were disellowshipped.

634 Q-I will ask you this question, -were there any surmisings with reference to his relations with other men's wives? A-I never knew anything about it until this Law occurrence.

635 Q-Now what was this "Law occurrence"?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is

incompetent, ~~xxxxxxxxxx~~ and immaterial and irrelevant, and for the reason that it is not cross examination.

A-Well I have told you.

636 Q-Well I don't know what it was, so tell me again that I may understand it? A-It was that Joseph Smith had advanced his wife improperly.

637 Q-That was the Law occurrence? A-Yes sir. I have

told you that four or five times, and I am not sitting here to be made a fool of either.

638 Q-Now what makes you say in your examination in chief that you had never heard of these things prior to the death of Joseph Smith?

By Mr Kelley, -"The witness did not say so".

By Mr Southern, -"

639 Q-I know what he said. Why did you not say in your examination in chief that you had heard of these surmises prior to the death of Joseph Smith?

- A-I heard a great deal said about him prior to his death, and I heard things said about him from the very origin of his history, and I heard a great many things that had no grounds for being said whatever, and which were false hoods and proved to be so.
- 640 Q-Did you read any religious papers at that time?
A-At what time?
- 641 Q-While you were at Nauvoo in 1844? A-I don't understand that question.
- 642 Q-I asked you if you read any religious papers while you were at Nauvoo in 1844? A-Yes sir.
- 643 Q-What were they? A-I took the Nauvoo paper that was published by the church there, the Times & Seasons.
- 644 Q-You took the Times & Seasons? A-Yes sir.
- 645 Q-Well did you read it? A-Yes sir. I took it and read it while I lived there. I don't know that I read everything in it, but I read it I suppose pretty well.
- 646 Q-Well, were you a regular reader of that paper? A-Yes sir.
- 647 Q-Was it a weekly or daily paper? A-It was a weekly I think.
- 648 Q-Did you read pretty much all that was in each issue of it? A-Well perhaps I did. I can't say about that, but I think perhaps I did.
- 649 Q-Well when did you cease taking that publication? A-Well I do not just know, but I think I continued taking it for some little time after the death of Joseph Smith, but I can't just remember the time I stopped taking it.
- 650 Q-Were you a reader of that paper about March 15th 1844? A-Yes sir.
- 651 Q-Were you a regular reader of it about that time? A-I think so. I don't think there is much doubt about that.
- 562 Q-Can you read without your spectacles? A-Oh, I could I suppose.
- 653 Q-Look at a communication purporting to have been published in that paper published March 15th 1844, and see if you can recognize it, commencing at the bottom of the page? A-Is this it?
- 654 Q-Yes sir, -take your time and read it carefully?
A-Yes sir.
- 655 Q-You recognize that? A-I recollect hearing something of the kind sir, but whether I read it or not I do not remember, but I recollect hearing something of the kind sir. I recollect hearing of an elder being rebuked on that subject sir.
- 656 Q-The date of the paper containing the article the witness has read is March 15th 1844, and it is found on page four hundred and seventy four in exhibit "O" Now Mr Griffith did you read that letter written by Hyrum Smith at about the time it was published? A-I don't remember whether I ever read it or not, but I recollect hearing something about it, whether I read it or not I could not say.
- 657 Q-You recollect then, or hearing of the substance of what is in that letter? A-Yes sir.
- Counsel for the plaintiff objects to the question asked the witness, on the ground that it is not cross examination and is incompetent, irrelevant and immaterial.
- 658 Q-When did you hear the substance of that letter?
A-At what time?
- 659 Q-Yes sir, -was it about the time of the date of its publication? A-No sir, I don't know. I don't know, I don't know that I can tell you anything about xxx it sir, -that is I don't know that I can tell you when I did hear about it, because it has passed from my mind if

I ever did know.

660 Q-Where was China ~~XXXXXX~~ Creek? A-Where was China Creek?

661 Q-Yes sir, if you know where China Creek was you may
state it? A-Well sir I don't understand you though
662 Q-Do you know where China Creek was?

662 Q-Do you know where China Creek was,-a place called
"China Creek"? A-No sir.

663 Q-You don't know where it was? A-No sir, I don't be-
lieve I know anything about it. I don't believe I
knew a place by that name.

664 Q-Did you know of such a place near Lay Hart? A-
There was a place called Silver Creek, but I don't
know of any place by the name of "China Creek" near
Layhart.

665 Q-You don't? A-No sir I don't know of any place by
that name.

Q-Did you know a gentlemen namd Richard Hewitt? A-
Richard Hewitt?

667 Q-Yes sir,-Richard Hewitt,-did you know a man by that
name A-Richard Hill?

368 Q-No sir, -~~xxxxxx~~ Hewitt, -Richard Hewitt? A-No sir I
don't believe I did.

Q-You did not know a gentlemen by that name? A-No sir I don't believe I did. If I did I have forgotten him"

370 Q-Do you remember seeing the publication of an affidavit published and signed by the members of the City Council of Nauvoo? A-About what?

Q-In which it was stated that John C. Bennett was not under duress at the time he testified before the city council on May 19th 1942 concerning Joseph Smith's innocence, virtue and pure teaching, -do you ever remember of seeing an affidavit of the purport such as I have stated, signed by members of the city council of Nauvoo?

Q- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination, and for the further reason that the city council of Nauvoo never signed such an affidavit.

72 Q-You don't remember that? A-No sir, I don't remember
of ever reading any such a thing, I don't remember of
ever reading that.

78 Q-Do you remember of ever reading an affidavit of
Hyrum Smith's published in 1842, or about that time?
A-No xxxixxxdumtxkmmxmmtxkxvwxkxdtdxxxkheard andx
xxxxxxgfhxxaxlybhxxexxonltxmnmnmnxanythingxxxx
A-Samuel Smith did von say?

74 Q-No sir, Hyrum Smith? A-No sir I don't know that I ever did. I heard and read a great deal, but I don't

75 remember anything particularly about that.
Q-Will you look on page eight hundred and seventy of
exhibit "L" at an affidavit and other matter there,
and say if you ever saw it before?
counsel for the plaintiff object.

the witness on the ground and for the reason that it is not proper cross examination and is incompetent, irrelevant and immaterial.

76 Q-Answer the question? A-I don't remember of ever
77 reading that sir.

Q-After looking at the matters that you have been called to your attention, do you swear now that you never heard of the charge of plural wifery as applicable to the Nauvoo church and other organizations, - other like organizations, before the death of Joseph Smith? A-You have refreshed my memory with reference to this man having been rebuked, and since my recollection has been refreshed on that point I recollect having heard of it before, but whether I read it

- in the Times and Seasons or heard of it through another source I could not say.
- 678 Q-Well you heard of that? A-Yes sir.
- 679 Q-And you heard of it before the death of Joseph Smith did you not? A-It is likely I did.
- 680 Q-Well then what makes you say you never heard of polygamy in the church before the death of Joseph Smith? A-Well that was not termed polygamy. That I think was the first I ever heard of it but that was not termed polygamy.
- 681 Q-It was not. What was it then? A-I understood it to refer to the sin of illicit intercourse between two parties. It was something of that sort, but I don't think it gave it the name of polygamy.
- 682 Q-Well you heard of that did you not prior to the death of Joseph Smith? A-Yes sir I believe I did.
- 683 Q-Don't you know that you did? A-Yes sir I think so.
- 684 Q-Do you remember of the doctrine, -? A-I would not like to state the reason that I do not remember anything definite between the contending parties, or between the disputing parties there at that time, as there was quite a while that there was a contest over these things existing between Bennett and President Smith at one time. There was a strong contest between strong contesting forces against each other, and the contest was one over different strains, - that is on different subjects.
- 685 Q-There was a charge made against Joseph Smith? A-Yes sir.
- 686 Q-And was that charge something like this, - "that a man having a certain priesthood might have as many wives as he pleases"? A-I don't recollect to have heard that definitely.
- 687 Q-Well is that not what you understood it to be? A-No sir I did not view it in that light.
- 688 Q-Well that is what it says there? A-Well that is not the way I regarded it. I never heard it that way according to my remembrance of it.
- 689 Q-Well then state so that you may be understood, just what you did hear at that time? A-I heard that there was a man who taught contrary to the doctrine of the church in regard to the chastity of women.
- 690 Q-Who was that man? A-I forget the name of the man who did that but my understanding is that he was rebuked for doing it, but I don't think it was termed polygamy. I don't remember that that term was given it.
- 691 Q-Well was that not what it in fact was? A-Well that is a matter of opinion.
- 692 Q-Well when did you leave Nauvoo? A-I left there in '46. The same spring that they left to go west I left and went north.
- 693 Q--You went North? A-Yes sir.
- 694 Q-Who went west? A-The section of the church that adhered to Brigham Young.
- 695 Q-Who was your elder? A-I went North under the administration of Mr Strang, as I told you before.
- 696 Q-When did you say you joined Mr Strang's church? A-It was early in the fall of '46 or in the spring of '47.
- 697 Q-That was the time you united with Strang? A-Yes sir.
- 698 Q-In the spring of '47? A-Yes sir, or in the fall of '46.
- 699 Q-Was Mr Strang a polygamist? A-I believe he was.

- 700 Q-Was he a polygamist at the time you united with his church? A-Well there was nothing of that kind made manifest at the time that I joined his church, but it was soon after developed to that effect.
- 701 Q-How long after you joined his church was it that it was developed to that effect? A-Well it was not very-long.
- 702 Q-Well about how long? A-Well not very long, -some four or five months.
- 703 Q-How long did you stay with him after that became manifest? A-Well I remained with him something like three or four months, when I became satisfied that I was not in the right place.
- 704 Q-What relation did you bear to Mr Strang and his church? A-In what way do you mean?
- 705 Q-What official relation did you bear to Mr Strang and his church? A-Well I was a member of the church. -I was an elder when I went there. I was an elder in the original church, and I claimed that my eldership was continued in Strang who was perpetrating the church, for I went there believing that Strang was the legal successor of Joseph Smith, and after I got there he introduced this covenant, and I was chosen by Mr Strang as one of the privy council under that covenant.
- 706 Q-Well that was your connection with Mr Strang and his church? A-Yes sir that was my connection with Mr Strang's church, and I remained there with them some few months, and when I saw how things were going I rejected him and his church, -I threw up the sponge so to speak and exposed his covenant, and had it published.
- 707 Q-Now what led you to follow Mr Strang as the successor of Mr Smith? A-What made me?
- 708 Q-Yes sir what led you to do that, or what made you do it? A-I believe sir that the church was built up by apostles and prophets, and I believed that if Joseph Smith was to have a successor, I believed he had the power to appoint one in his place to act in his place if he were taken away, and Strang claimed the appointment directly from Joseph Smith, and I believed him and thought it was a pretty good thing, so I went with him, believing that he was the legal successor of Joseph to the Presidency of the church.
- 709 Q-That was the reason you followed Strang? A-Yes sir that was my reason, and I believe that a great many felt the same way, for there was a great many felt the same way and followed him, as I did, but when their eyes were opened they did not all reject him as I did.
- 710 Q-You believed that he was the successor in what way? A-I believed that he was the successor to old Joseph Smith, -the original Joseph by an appointment from Joseph himself. I believed that was the doctrine of the church as set forth in the book of doctrine and covenants.
- 711 Q-Are you not mistaken about that being the doctrine in the Doctrine and Covenants? A-Well sir I believe this, -that if Joseph appointed him as Strang claimed to have been appointed that Joseph was very much mistaken in the man. I know that the book of covenants gave Joseph the power to appoint one in his place. There is no use asking me questions about that for you are as well aware of it as if you asked me one thousand questions on that point.
- 712 Q-Do you know or are you aware, upon what that claim of Strang's to be the successor of Joseph Smith was based? A-Why nothing more than that he was appointed to be the successor of Joseph Smith to the

- Presidency of the church, and that he was so appointed by Joseph Smith to succeed him when he passed away
- 713 Q-That is your understanding of the way that Strang was appointed? A-Yes sir.
- 714 Q-Do you know upon what basis that appointment was ~~xxxxxx~~ based, -that is do you know whether it was a written appointment or a verbal appointment? A-It was in a written letter from Joseph Smith to Strang.
- 715 Q-Did Joseph Smith write such a letter to Strang? A-No sir I don't think he ever did I think it was a forged letter, and proved to be so.
- 716 Q-That is your opinion is it not? A-Yes sir, and I don't think there is the least doubt in the world but that it is correct.
- 717 Q-You think that it was a forged letter? A-I do.
- 718 Q-That was a letter that purported to have been written by ~~xxx Strang~~ Joseph Smith to Strang appointing him-as his successor in the Presidency of the church? A-That is what it claimed to be according to my understanding of it.
- 719 Q-Did you ever see that letter? A-I don't know that I ever have.
- 720 Q-Well did you? A-No sir I don't think I ever did.
- 721 Q-Did you ever see a copy of that letter? A-I don't know that I ever did. I don't remember, -If I did I don't remember it.
- 722 Q-Then if you followed Mr Strang up there to Wisconsin, hearing that he had been appointed by a letter of appointment, why did you not call for Strang's appointment before you accepted him?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination, and for the reason that it calls for an opinion of the witness.
- A-Well he produced this letter to the hull world, showing his appointment as he claimed it. He did not make any secret of it, for he had his advocates around to advocate his appointment, and I believed them. I had no reason to doubt them for the church had to have its head, -its prophets, ~~xxxxxx~~ seer and revelator, who would be the President of the church, and I accepted his claim, for I had no reason then to doubt it, and we were disgusted with the church there at Nauvoo, with its organization and the actions of the Twelve that they had there, or the remnants of the original twelve. I know I was disgusted with Brigham Young and the set that were backing him there at Nauvoo, and so I joined Strang's organization but the result proved that I was only jumping out of the frying pan into the fire. That is all there was to that.
- 723 Q-You have stated that you thought, -that you afterwards concluded that letter was a forgery? A-Yes sir.
- 724 Q-What made you arrive at that conclusion? A-Well I think that was satisfactorily proven.
- 725 Q-Of course you base your change of opinion upon testimony, now will you be kind enough to state what testimony was that forced you to the conclusion that that letter was a forgery? A-Well from an examination I made myself, I found out that he was not the man and did not fill the bill, and I believed then as I do now that he was an imposter. It was a forged letter, and was forged for that purpose.
- 726 Q-Is that the reason you thought the letter was forged, because he did not fill the bill? A-Well that was not all the reasons, we had plenty of reasons

727 Q-Well what were they? A-We had plenty of reasons that I can't now detail. We were satisfied then that he was an imposter and proved to be an imposter.

728 Q-How long since that time? A-Since what time?

729 Q-What year was that? A-I told you that I went to Strang in '42.

730 Q-In what year, -what time in the year? A-In '47. In the spring of that year I joined Strang's church, and I stayed with him about three, four or five months. I don't remember precisely, but about that length of time I remained with him, and then I saw he was not what he pretended to be and I divulged and exposed his covenants and practices, and had it published. I don't remember what time it was that I discontinued fellowship with him, but I know what I am talking about for Strang was pretty friendly with me until I found out what he was, or he would not have appointed me, as one of his privy council. I know that after that, he was my strong enemy and hunted me pretty close.

731 Q-Did you and he have any falling out?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, and immaterial and not cross examination.

A-Yes sir.

732 Q-In what respect did you disagree? A-It was so far as we disagreed in our methods of procedure in regard to the membership of the church and the practices he was trying to force upon the church. I felt that I could not fellowship with him as a Christian for many reasons.

733 Q-Then you were looking for a church the President of which had been appointed by Joseph the seer as you called him, -when you went to Strang? A-Yes I was, and when I went to Strang I supposed that he filled the bill, and that Joseph Smith had really appointed him as his successor.

734 Q-Well will you answer my question? A-I thought I did.

735 Q-That is to say- were you looking for a church, the president of which had been appointed by Mr Smith when you went to Mr Strang?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A-Well I am looking for it yet, if that is what you want to know.

736 Q-Answer my question with reference to the time that you went to see Mr Strang and joined his church, -were you then seeking for a church the president of which had been appointed by Joseph Smith?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A-I believed that I was going to the original church which I belonged to, believing that Mr Strang had been appointed by Joseph Smith as his successor, and that Strang was then the head of the church by appointment.

737 Q-By appointment of Joseph Smith? A-Yes sir.

738 Q-Were you looking for that kind of a church? A-Yes sir.

739 Q-And you believed that you had found it? A-Yes sir. I believed that he was the representative of the true church, or I would not have gone there at all.

740 Q-Well why did you not remain at Nauvoo? A-I could not for they were leaving there, and then I believed that the church which had existed at Nauvoo was rejected.

- 741 Q-You believed that the church there at Nauvoo was rejected? A-I did.
- 742 Q-At the time you left there you believed that?
- A-Yes sir.
- 743 Q-What church was that that you believed was rejected?
- A-The church or faction that Brigham Young presided over.
- 744 Q-And then you went and joined Strang's church?
- A-Yes sir.
- 745 Q-And then you thought you had found that church, the true church, that had not been rejected, but afterwards you found out that you were mistaken. Is that it? A-Yes sir, I have stated that at least six or eight times, and I do not see the necessity for repeating these questions over and over again time and again.
- 746 Q-Well did you ever find that kind of a church?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is irrelevant and immaterial, and is not cross examination, and calls for an opinion of the witness.
- 747 Q-Answer the question? A-Have I ever found that kind of a church?
- 748 Q-Yes sir? A-When?
- 749 Q-At any time since the death of Joseph Smith? A-Yes sir.
- 750 Q-You have? A-Yes sir, I believe I have.
- 751 Q-Now then my question is this, -Have you ever found the church, the president of which was appointed by Joseph Smith the Seer?
- Counsel for the plaintiff objects to the question asked the witness for the reasons above ~~xxx xxxxx~~ given.
- A-Yes sir.
- 752 Q-Well where did you find it? A-I believe I live in fellowship with that church now.
- 753 Q-You believe you are now living in fellowship with that kind of a church now? A-Yes sir.
- 754 Q-Will you detail to the reporter where and how you found that kind of a church?
- Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.
- A-I found that church in the organization of the re-organized church, so termed. At any rate I found it to my satisfaction.
- 755 Q-To your satisfaction? A-Yes sir, but that is not saying it is true.
- 756 Q-What is that satisfied you that that church had a President that was appointed by Joseph Smith?
- Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is ~~xxx~~ incompetent, irrelevant and immaterial, not cross examination and calls for an opinion of the witness.
- 757 Q-Answer the question? A-I have answered that question as correctly as I can. I can't answer it any more definitely than I know of.
- 758 Q-You think you have answered that question? A-Yes sir.
- 759 Q-Well I don't think you have? A-I think so.
- 760 Q-Will the reporter read that question again to the witness, and see if he has any further answer to make to it, for I think when you understand it you will agree with me in saying that you have not answered it. The question ~~was~~ here upon repeated to the witness as follows, -"What is it that satisfied you that that church had a President that was appointed by Joseph Smith?" A-Because it filled the doctrine of the original church in every respect.

761 Q-Because it filled the doctrine of the original church in every respect? A-Yes sir.

762 Q-Is that your answer to that question? A-Yes sir. I have no fault to find with it, but I believe that it fills the bill in every respect, and that the organization of the original church is perpetuated in the re-organization. I am governed by the books in arriving at that conclusion, and I think they bear me out in concluding that my determination is correct.

763 Q-Do you find any evidence any-where of the appointment of the President of the re-organized church of ~~XXXXX XXXXX~~ by Joseph Smith, the seer?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is incompetent, irrelevant and immaterial, and not cross examination.

A-What is that?

764 Q-Do you find any evidence any where of the appointment of the present president of the re-organized church by Joseph Smith the seer? A-Yes sir.

765 Q-What is it? A-I have plenty of evidence that satisfies me, but that would not be evidence to this court perhaps or to any body else, but however that may be it is perfectly satisfactory to me. I have no hesitancy in this expression of my opinion in that direction, for I have all the evidence I want.

766 Q-You have all the evidence that is necessary to satisfy your mind on that point? A-Yes sir.

767 Q-Now you have stated that you were acquainted with the doctrines of the church prior to the death of Joseph Smith, and also since the time of his death? A-Yes sir.

768 Q-That covers the whole period of the existence of the church? A-Yes sir, and I believe that theory to be correct.

769 Q-Well what I want to get at is what are the evidences, if any, that you find, that made, -that made you conclude that the present president of the re-organized church was appointed to that office by ~~xxx~~ Joseph Smith the seer?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

770 Q-You were hunting for that sort of a church, -now what are the evidences upon which you base your conclusion that you have found it?

By Mr Kelley, -"We object to that question for the reasons here-to-fore given, and for the reason that the witness has already stated what they were".

By Mr Southern, -

771 Q-Answer the question? A-Well the principle evidence would be sir, to answer your question, -would be these, -I believe in the priest hood being handed down from father to son in successorship. I believe that is the order if I understand the law and doctrine that we as a church believe in and sustain, -that the priest-hood has a right to go down from father to son, and that Joseph Smith, -"Young Joseph Smith" as you term him, was the legal successor to his father in ~~xx~~ that office.

772 Q-Is that the doctrine which you have just now stated of the re-organized church, -is that the doctrine of the re-organized church? A-I have not said it was ~~x~~ sir, -

773 Q-Well what do you say now about that? A-I am not vouching for the doctrines of the re-organized church

774 Q-What are you vouching for? A-I am vouching for my evidence in

in believing he was the successor.

775 Q-In believing ~~x~~he was the successor of what?

A-In believing that Young Joseph Smith, as you call him, is the successor to his father Joseph Smith, in the Presidency of the church?

776 Q-Well are you, not acquainted with the doctrines of the re-organized church?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A-Well I am not as well posted perhaps as you Honor is.

777 Q-Well are you or are you not? A-I believe I am pretty well acquainted with it, for I understand its doctrine to be the doctrine of the original church, and I was pretty well posted in the doctrine of the original church.

778 Q-Is that doctrine the doctrine of the re-organized church? A-It is quite familiar with me.

779 Q-I asked you if that doctrine was the doctrine of the re-organized church? A-That is a principle believed by a great many.

780 Q-Well can you state it? A-He was the legal heir to the Presidency.

781 Q-Is that the doctrine of the church? A-I did not say it was. I said that was my belief.

782 Q-Well is there anything in the book of Doctrine and Covenants that established that doctrine? A-Yes sir there is a record that establishes that principle, although there is no record that specifically names Joseph Smith as the successor of his father to the Presidency. It don't make that statement in terms, but it does in effect.

783 Q-What record is that? A-It is the section ~~that~~ which states that the priesthood shall descend from father to son.

784 Q-Have you stated, or do you say now that that doctrine of successorship as you have stated it, is in the book of doctrine and covenants? A-Yes sir, it is spoken of there.

785 Q-Is that the doctrine of the re-organized church? A-We believe whatever is in the book of Doctrine and Covenants, -that is one of our accepted books of doctrine.

786 Q-Well is the doctrine as stated by you in there? A-Well sir I endorse the book of doctrine and covenants, -and the church does also, and when I have stated that, I have stated all there is to it.

787 Q-Well answer me this question, -is the doctrine of the ~~book of the~~ Doctrine and Covenants, the doctrine of the re-organized church on the question of successorship? A-Yes sir.

788 Q-That is a fact? A-Yes sir.

789 Q-Well then if that is the case, which is right, the doctrine of successorship, or the right of appointment by Joseph Smith to the successorship? A-What is that? -I don't understand that question.

790 Q-I say if that is the case, -which is right, the doctrine of legal lineal successorship or the doctrine of appointment? A-Well I will tell you if you are not familiar with the book of Doctrine and Covenants, -we never would have believed in that kind of an appointment, but it was at a time when we were led

astray or sought to be led astray by that faction there at Nauvoo, and we were instructed that we were to obey their orders and let the book of covenants go, and we were only too glad to escape from them ~~their~~ their and their ~~own~~ machinations, and it was not a time when we were prepa red

to-calmly think over matters,-it was a time when we thought of only escaping from the faction there at Nauvoo, and did not examine into matters as closely as we afterwards did.

791 Q-Do you state now that the doctrine of appointment is one of the doctrines contained in the book of Doctrine and Covenants?

Counsel for the plaintiff objects to the question asked ~~for the witness for the reasons and on the grounds that it is incompetent, irrelevant and immaterial, is not proper cross examination, and does not call for the best evidence.~~

A-The church must receive Young Joseph Smith, or he would not be its president. He was accepted by the church in the same manner, that his father old Joseph Smith was presented to the church and accepted by it as its president, and the present president of the church was accepted in the same way as its prophet, seer and revelator.

792 Q-Now do you state that the doctrine of ~~xxx~~ appointment by Joseph Smith the seer, of Young Joseph as his successor is in the book of Doctrine and Covenants?

Counsel for the plaintiff objects to the question asked the witness for the reasons and on the grounds that it is not proper cross examination, and is incompetent, irrelevant and immaterial, and does not call for the best ~~xxx~~ evidence.

A-No sir.

793 Q-You do not say that it is in the book of Doctrine and Covenants? A-No sir.

794 Q-Well is it in it? A-No sir it is not in it, but the principle is there.

795 Q-Well what is that? A-The Doctrine and Covenants speaks of the power of appointment where it says that he could not appoint another in his place, but as I said before it does not make specified mention of the appointment of Young Joseph by his father to succeed to the offices which his father held.

796 Q-What is that it says? A-It says that he shall have the power to appoint another in his stead?

797 Q-Is the doctrine of the power of appointment in the book of doctrine and covenants? A-It says he shall be appointed, and receive, etc.,-

798 Q-Now is the a appointment of which you speak an appointment by Joseph Smith?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not the best evidence, as the book itself is the best evidence, and for the reasons above set forth.

A-Which appointment?

799 Q-Does the book of Doctrine and Covenants state that the appointment of a successor to Joseph Smith, is an appointment which must be made by Joseph Smith?

A-I believe that young Joseph was appointed and ordained ~~xx~~ the head of the church, and I suppose it was as the successor of old Joseph.

800 Q-Was he appointed and ordained, and placed in that office by his father the original Joseph Smith?

A-Yes sir, and he was then received by the church and that made it complete.

801 Q-That was done? A-Yes sir.

802 Q-You think so? A-Yes sir.

803 Q-Now will you please state upon what occasion that was done? Upon

Q-Upon what profession I should say? A-Well I think
you ought to say what you mean? A-I don't know what
that mean?

Q-Upon what profession were you received,-what went
before you reception?

A-Well sir I professed my readings to endorse the reorganization to be the true church and I was baptized by one of the apostles into the church. I felt like renewing my covenant in the work of the church, and upon my application and do professing and accepting the church as the true church, I was received upon it as being baptized.

821 Q-Did they assign you any work as an elder? A-No sir I am no preacher.

822 Q-You are not even a preacher? A-No sir. I have presided some-but I have never preached, for that is not in my line somehow. I am not a preacher, and do not profess to be one.

823 Q-Well now if the re-organized church, and the old church that you spoke of, are the same,--first I will ask you if you are an elder in the reorganized church A-No sir.

824 Q-Well now if the reorganized church and the old church are the same, why are you not an elder in the reorganized church as you were one in the old original church? A-Well now I did not understand that other question you asked me, for I am,--I told you that I merely renewed my covenant of the church, with the church I mean.

825 Q-You were baptized into the original church? A-Yes sir.

826 Q-Then why was it necessary to be re-baptized into the reorganized church? A-Well sir I told you that I merely renewed my covenant with the church. I had wandered from the path of the true faith by joining Strang's church, and I felt as did the reorganized church that it was necessary for me to renew my covenant with the faith and in order to do that it was necessary to be baptized anew. I felt the necessity of this myself, and so it was done.

827 Q-Well now answer me this question,--is it not a fact that you lost your eldership by reason of your connection with Strang? A-It was just this way,--it was my wish to have my eldership renewed,--at least they told me that that could be done, but I told them that I did not want it, but I was confirmed a member of the church but not ~~xxxx~~ an elder, ~~ex~~ it that is I was not formally confirmed as an elder, but I still consider that I am one, for if by my rebaptism and renewal of my covenants in that way with the church I am re-instated as a member, I consider that that carries

everything with it and I am reinstated precisely in the same condition and with the same offices that I held before I fell away from the church, if I did fall away.

828 Q-When you were with Strang did you know of, or see any plates, at any time that Strang claimed to be in possession of?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and for the reason that it is not proper cross examination.

829 Q-Answer the question? A-I don't know that I understand your question.

830 Q-Did you see any plates in the possession of Strang or any of his people, under his authority? A-No sir.

831 Q-You did not? A-No sir, I never saw any of his plates, but I saw the old brass kettle that the woman said it was cut out of. These plates that he had had became tarnished so I heard, and that was one evidence to me and many others, that his plates were now what he represented them to be, or they would not have rusted, and ~~xx~~ his plates

had become very much rusted, and that was evidence to me that they were not what they claimed to be, or what he pretended they were.

By Mr Kelley,-

832 Q-What was that about the lady? A-There was an old lady up there; that showed me the old brass kettle that he cut the plates out of. Now that is as far as I know about it.

By Mr Southern,-

833 Q-You saw the kettle you say? A-Yes sir.

834 Q-And it was a brass kettle? A-It was.

835 Q-Did you observe it closely enough to see how thick the plates ~~xxxx~~ would be that were cut out of it?

A-Well I was not specially particular to examine it to see just how thick the plates would be that were cut out of it, but it was an ordinary small sized brass kettle. This lady who told me about it said that they had cut out several pieces and it did not please them, and they cut on a gain and kept on cutting until they got some pieces that suited them.

836 Q-You saw this kettle? A-Yes sir, I saw the remnants of it sir.

837 Q-Did you not take some interest in the matter? A-No sir not much. It did not bother ~~xxx~~ me enough to make much of an investigation but I saw the old kettle all right.

838 Q-You did not look to see what the thickness of the kettle was? A-No sir.

839 Q-When did you see this kettle? A-I did not know anything about it or see it until after I had left Strang, and then I was gratified to find out how it was, for I thought he was a fraud ~~xxxx~~ and that was one of the things that tended to confirm my opinion.

840 Q-Did you look at it to see how thick the plates must be? A-No sir I don't know that I did particularly, but it was just an old ordinary brass kettle, -not ~~xx~~ very thick, -just an old ordinary brass kettle like they used to have in those days.

841 Q-Well about how thick must it have been?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.

A-I say I don't know that I can tell you particularly but I do not think it was very thick. I did not observe it close enough to observe, -that is to say I did not have that in my mind at the time, and so I paid no attention particularly to the thickness of it.

842 Q-Were they a quarter of an inch thick? A-No sir.

843 Q-They were not a quarter of an inch thick? A-No sir.

844 Q-Were they the sixteenth of an inch thick? A-I could not tell you. Don't I say that I cannot be positive as to the thickness.

845 Q-What was the color of the parts of the kettle that you saw? A-What is that?

846 Q-What was the color of the parts that were left?

A-Well sir it was just an old rusted, corroded, brass kettle, and the inside of it was brighter than the outside.

847 Q-~~xxxxxx~~ Well what was the color of the inside? A-It was rather of a brass ~~xxxxxx~~ color.

848 Q-Do you say that the brass had rusted? A-Yes sir it had rusted on the outside, -it was quite rusted on the outside.

849 Q-And how was the inside? A-The inside was brighter than the ~~xxxxxx~~ out side.

- The outside had rusted it is my recollection, but the inside was not so very much rusted. Now that is my recollection and that is all I know about that old kettle.
- 850 Q-Were these pieces cut from the inside or ~~out~~ outside?
A-A-Well that is a queer question to ask.
- 851 Q-Well answer it? A-Well they were cut clean out of the kettle, -right out of the kettle and they were cut clean through it from both sides. How could you cut a piece out of a kettle with out cutting them out in that way.
- 852 Q-Then they were cut all the way through? A-Yes sir
The pieces were cut right out of it.
- 853 Q-What were the size of the pieces that were cut out?
A-Oh I do not know that. They varied some I suppose, - some were smaller than others.
- 854 Q-Was there more than one hole? A-Yes sir they had cut different sized pieces out of it out of different places for there was different holes in it.
- 855 Q-Well how large were they? A-I can't say, I don't remember.
- 856 Q-Well what is your best recollection as to that?
A-Well I say I don't remember, but I suppose about an inch and a half or two inches or such a matter, - may be not quite so much as that, for I don't remember how that was.
- 857 Q-Was that their length? A-Yes sir.
- 858 Q-Then how wide were they? A-Well they were: not all of Strang's plates that I ever saw, -there never was but two of these plates ~~xxxxxxx~~ ever exhibited that I ever heard anything of sir, -there was but two of these plates ever exhibited that I ever heard anything of.
- 859 Q-Did you ever see them? A-No sir I never saw them at all, -that is I never saw the plates that he claimed he got out of the hill at Voree. He never showed them to me, and I don't believe he ever got them there and if he did I believe he put them there before hand, -
- 860 Q-Well never mind that, -that is something that I am not asking you about? A-Well I thought you wanted to know all about them.
- 861 Q-Did you ever see the translation of these plates?
A-I don't think I ever did.
- 862 Q-Did you ever see what purported to be a translation of them? A-No sir I don't think I did.
- 863 Q-At any time I mean? A-No sir, not that I recollect of.
- 864 Q-Then you would not know them if you were to see them? A-No sir.
- 865 Q-Would you know whether they were of metal similar to the kettle out of which they were said to have been taken, if you were to see them? A-~~xxxxxx~~ Well I could not say -that I could. I rather think I could not, but if I were to see them I rather think I could judge pretty well with reference to their thickness as compared with the thickness of that kettle.
- 866 Q-You think you could? A-Yes sir.
- 867 Q-Well where was it you saw this book of "Father Jacob A-I saw it in Nauvoo.
- 868 Q-Well I understood you to say that you saw it when you were up at Voree with Strang? A-No sir.
- 869 Q-You did not say that? A-No sir.
- 870 Q-Then you saw it at Nauvoo? A-Yes sir.
- 871 Q-At what time did you see the "Father Jacob" book?
A-Well it

- was in '45 I think.
- 873 Q-At what time in '45 was it? A-Well it was in the latter part of '45 in the fall or in the early part of the winter.
- 874 Q-Well you saw that book then? A-Yes sir.
- 875 Q-How did you happen to see it? A-It was as I was informed quite a secret there in Nauvoo,-that is everybody did not know that there was such a book or that it was being circulated, and there was a lady by the name of Hadlock, and I lived at that time in a part of her house, and at that time her husband was in England on a mission.
- 876 Q-This woman's husband was in England on a mission? A-Yes sir, and I lived in a part of her house.
- 877 Q-Did she belong to the church? A-Yes sir she was a Mormon lady.
- 878 Q-And her husband was gone, and you lived in a part of her house? A-Yes sir.
- 879 Q-Well go ahead and state how you came to get this book? A-Well she had this book, and being well acquainted, she and I, she gave it to me and let me read it, on the condition however, that I should say nothing about it, and she said the book was designed to teach the sisters their duties to their husbands, etc.
- 880 Q-Well what kind of a book was it? A-Well it was quite an obscene book, and treated on that subject,-that is on the subject of man and woman's intimacy all the way through.
- 881 Q-What was the size of that book? A-Well I could not say exactly as to that but it was a book I should say pretty nearly the size of a common spelling book.
- 882 Q-Were you married at that time? A-Yes sir.
- 883 Q-And was your wife living there with you at that time? A-Yes sir she was right there in the house with me, and she read this book also.
- 884 Q-Did you read that book through? A-I read it-I think clear through. I would not say positively, but my recollection is that I read it clear through.
- 885 Q-Would you recognize it if you were to see it any better than these copies of the Times & Seasons that have been shown you here? A-I don't know that I would recognize it, because I did not charge my mind with it at all.
- 886 Q-Well you are confident that you read it? A-Yes sir and I believe that it was introductory to what came afterwards and a kind of a feeler,-that is what I believe about it, for this sister who gave me the book was pretty much interested in it, and she was afterwards appointed to hold meetings and instruct the younger sisters as to the duties of wives toward their husbands, and she had these books for their benefit.
- 887 Q-She had more than one book then? A-Yes sir.
- 888 Q-And she gave you one of them to read? A-Yes sir.
- 889 Q-Do you know where these books came from? A-No sir.
- 890 Q-Do you know how the sisters obtained the books? A-No sir.
- 891 Q-You don't know anything about that? A-No sir I don't know that I do know anything positively.
- 892 Q-Did she tell you how she obtained hers? A-No sir I don't recollect that she did.
- 893 Q-Did you have any conversation with her about the book? A-Yes sir we talked about it a great deal, and she was of the same opinion I was, and always remained of the same opinion. She left the church there at Nauvoo disgusted with their practices, and moved to Rock Island.

- 894 Q-What became of her after that? A-Well she died there I understand. I was well acquainted with her, she was a good friend of mine, but she did not leave the church there at Nauvoo at the same time I did. She remained with it and ~~went~~ through with all their ceremonies and endowments, she went clear through the temple and was present at a great many of their sealing ceremonies, and she afterwards told me all about it.
- 895 Q-She got the endowments? A-Yes sir. She went through with all these endowments and sealings ceremonies and she afterwards told me all about it, ~~and she was a truthful~~ *she was at Nauvoo*
- 896 Q-You say that she told you the truth? A-I believe she did, and what I saw myself corroborated what she told me.
- 897 Q-Well you say that all these things occurred to at Nauvoo? A-Yes sir.
- 898 Q-Before 1846 did you say? A-What is that?
- 899 Q-Did you say that all these things occurred at Nauvoo? before 1846? A-Yes sir. It was before that. It was during the fall of '45 I think and the winter of '45 and ~~the winter of '46~~ '46 I think I am not very greatly mistaken. It was before they commenced to leave Nauvoo, and they began their migration in '46.
- 900 Q-That was the time of the endowments? A-Yes sir the endowment was then.
- 901 Q-Do you remember what was the date of the book that you saw? A-The date of the book-that that lady gave me to read, -is that what you want?
- 902 Q-Yes sir? A-No sir I don't remember.
- 903 Q-You do not remember who were the authors of the book? A-No sir.
- 904 Q-Was there anything in the book to indicate who was the author or authors of the book? A-No sir I don't remember that there was. It was just called "Father Jacob's" writings. That was all that I remember about that.
- 905 Q-Do you know where it was printed? A-No sir.
- 906 Q-You do not pay any attention to that either? A-No sir I did not bother about that. It was an obscene book, and I paid no attention to who wrote it, or where it was published or anything of the kind.
- 907 Q-Do you know where there was a copy of it? A-No sir. I was furnished a copy of it, and that is all I know about it. As I have already stated it was a very obscene book. That is a hard remark to make ~~me~~ about anything, but at the same time that is the truth for it was a very obscene dirty book.
- 908 Q-Well you say that book was circulated in that church there at Nauvoo? A-Yes sir, -it was circulated principally as I understand it amongst the female members of the church there.
- 909 Q-Well that was before you left was it not? A-Before I left what?
- 910 Q-Before you left Nauvoo? A-Yes sir I lived in Nauvoo at the time it was circulated, for that is the place I seen it.
- 911 Q-Was this book an authority amongst the seventy then to which you belonged?
- Counsel for the plaintiff objects to the question asked the witness on the ground that it is incompetent, irrelevant and immaterial, and not ~~proper~~ cross examination.

*she was at Nauvoo
woman and I believe she told me the truth.*

A - No, sir.

- 912 Q-It was not an authority in your quorum then?
A-No sir, not that I know anything of. It was never presented in my quorum that I ever heard anything of at all. It certainly was not presented while I remained a member of it.
- 913 Q-I asked you, and I believe you did not answer me with reference as to whether you knew where there was another copy of that book? A-~~xxxxxxx~~
- ~~xxxxxx~~ A-Whether there is, -where there is what?
~~xxxxxx~~
- 914 Q-Whether you know where there is a copy of that book?
A-No sir I do not.
- 915 Q-Have you ever seen a copy of it since that time?
A-No sir I have never seen another copy of it since that time, -that is all that I ever saw about it.
- 916 Q-Now you have stated that you knew what the doctrines of the church were at that time you became a member of it, and up to 1844? A-I said so sir.
- 917 Q-And now I will ask you what were the doctrines of the church between 1844 and 1847 at Nauvoo, and at other places? A-Well the doctrines of the church were never altered in the book of Doctrine and Covenants.
- 918 Q-Then the doctrines of the church remained the same?
A-Yes sir the doctrines of the church are the same as far as that is concerned, but the practices of the church were the very reverse of what the doctrines were, for they cut loose from the Doctrine and Covenants, and did not recognize it, and they made a whole lot of secret work that they were practicing that was not authorized by the book of ~~xxxxxxx~~ and Covenant nor anything else that I know of that was authority in the church before the death of Joseph Smith.
- 919 Q-So then I understand that you testify that the doctrines of the church were the same from 1844 to '47 that they had been before '44? ~~xx~~ Is that what I understand you to swear to? R-I have no other answer to make further than I have, and that is that the doctrines of the church were the same as far as I understand it, but the practices of the church were vastly different. The doctrines of the ~~xxxx~~ church for that matter are the same now as they always have been.
- 920 Q-What do you mean by the phrase "the church", in the answer that you have given to my question? A-I mean what I say, -the church.
- 921 Q-What do you mean by the term "~~xxxx~~ the church", -explain what you mean by "church"? A-I mean the same church that exists today, -that it was the same church or is the same church to day that it was before the death of Joseph Smith. It sustains the same doctrines, and the fellowship of the same book as it did at the time of the origin of the ~~xxxx~~ church. It is not dead, but still lives.
- 922 Q-Do you mean the church that was organized by the apostles away back at the Pentecost?, -do you mean the church that has existed from that time down to the present? A-I mean the church that Joseph Smith organized, and it was organized under the doctrine of the original church that is what I believe.
- 923 Q-Now then I would be glad as you have stated, what the doctrines of the original church were, and as you say they were the same from '44 to '47 save and except the matter of their practices? A-Well the practices did not change the order with me.
- 924 Q-Do you undertake to say now here, that whilst there was only one in ten like yourself at Nauvoo, that rejected these practices and that the others all practiced a thing that they did not teach

that thing while nine tenth of the church were practicing it? A-I did not say so sir.

925 Q-You did not say that? A-No sir.

926 Q-Well I will ask you if they did so? A-I did not say any such a thing, and I don't believe there was over one fourth of the population that went into this thing.

827 Q-What thing? A-This thing called polygamy. I don't believe there was over one fourth of the people

that belonged to the church at the time of the death of Joseph Smith that went into this thing. I don't believe that one fourth of the membership of the church took hold of that doctrine that they established and went into it and practiced it. They proceeded and established that practice because the leaders of the church were in favor of it, and they used the power they had in their hands to establish it in the way they did, but they did not get any great number of the total membership of the church to back them up in it.

928 Q-Well do I understand you to say that they practiced something that was contrary to the doctrines of the church they preached between 1844 and 1847? A-After Joseph Smith's death Brigham Young was sustained as the leader and President of the church, he and his two-counsellors constituting the first Presidency of the church, and they proceeded to teach that the book of covenants was of no value to the church, - the book of covenants as they put it was like a steam boat that had gone up the river, - that was the illustration that was made. They were required to live by the living oracles, and pay no attention to the dead ones, as they put it.

929 Q-Well state how you know ~~what~~ they taught it that way? A-I know it sir.

930 Q-Well how do you know it? A-I heard them do so.

931 Q-Well who did you hear? A-I heard them, -

932 Q-You heard them? A-Yes sir.

933 Q-Well who did you hear preach that? A-I heard Orson Hyde preach that in the assembly hall to the seventy.

934 Q-Were you one of the seventy? A-Yes sir.

935 Q-Well who else preached it? A-Oh I can't say, but it was a common thing to hear that preached, - that they were to obey the council of the leaders of the church, and not pay any more attention to the book of covenants.

934 Q-After you first heard these doctrines preached that you refer to in the seventy, did you still remain with that seventy and act with it long enough to hear all these doctrines preached by others to the seventy, - I mean these doctrines that you would not accept and rejected? A-No sir now after I was asked that question as to whether I would preach and teach the doctrine of plural wifery in case I was sent out to preach, and then I stated that I would not and that I could not fellowship with them any longer if they taught anything like that in the church. I told them that I could not fellowship with them in my quorum, and that I could not preach that doctrine if I was sent out, for that was the question that was asked me.

935 Q-Now you have given as you have stated here, what was the doctrine of the church after 1844? A-Well I did not say it was the doctrine of the church.

936 Q-Well they have taught, - they did teach as you stated it, that the book of doctrine and covenants was not an authority any longer in the church, but that the doctrine of the church came directly through them? A-Yes sir.

937 Q-Now how many of them did you hear that taught that? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, and immaterial and not cross examination, and a repetition of a matter already enquired into.

A-I think I have answered that question as well as I can answer it. I don't know that I have anything more to add to what I have already stated.

938 Q-Well you have mentioned one name? A-Yes sir.

939 Q-The name of Orson Hyde? A-Yes sir.

940 Q-Well you mention another? A-Another name,--

941 Q-Yes sir the name of another man you heard preach or teach that doctrine? A-What is that?

942 Q-Whom you heard preach that doctrine that you have referred to? A-Well I don't know that I can particularly, but I know that I have heard it preached from the stand more than twenty times.

943 Q-Where? A-Right there in Nauvoo. It was to be counselled by your file leaders,--that was the principle doctrine that was taught and it was very earnestly taught too.

944 Q-Well now Mr Griffiths in the doctrine of revelation through these file leaders as you call them, be true

why does it not follow that they taught you to follow as doctrine is also true?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth, and for the additional reason that it calls for an opinion of the witness.

A-Well I don't see that that would follow of necessity.

I think it is a matter where every body would think for himself, and that under the rules and doctrines of the church we were not bound to accept anything that came in that way as the doctrine of the church.

945 Q-Now then Mr Griffith if men are or were authorized to give revelations that have in the proper course become a part of the book of doctrine and covenants, why are they not authorized to give revelations or receive them after the book of doctrine and covenants is ~~xxxxxx~~ made? A-For the best reason in the world,--for the reason that God does not contradict himself, and these revelations or rather doctrines or practices that they attempts to force upon the church were and are directly contradictory to the book of covenants, and if they had come from God he would be contradicting himself, which he never does, therefore we know that they were not of God, and they had no authority to give them to the church.

946 Q-Well if at one time they were authorized to give revelations that were to go into the book of Doctrine and Covenants, what takes away that right after the book of doctrine and covenants was made? A-Well the question with us, and the question at issue to day is, has the Twelve a right to give revelations that are contradictory to the revelations that are in the book of Doctrine and Covenants which we know is from God. That is the question sir, and I say that these revelations that they gave authorizing these practices were directly at variance with the revelations in the book of Doctrine and Covenants that came from God through Joseph Smith, the prophet, seer and revelator. They taught a new theory of things, and taught that which the book of doctrine and covenants did not teach, and consequently they did not endorse it.

947 Q-Well now will you tell me how, or why they were not right in the later revelation, and not wrong in the former revelations?

- 948 A-Well sir because I know it. Q-Well how do you know it? A-Because I know it,--I know that the revelation that were received by Joseph Smith were from God, and I had evidence of that fact in my baptism.
- 949 Q-Well now don't try to lead me where I cannot follow, and cover me up with your reasons in your own bosom? A-Well sir I am attempting to answer all your questions as well as I can.
- 950 Q-Well you put me at a dis-advantage when you try attempt to take refuge in your own bosom? A-Well sir I ask your pardon, and I will not do that. If I can avoid it.
- 951 Q-Now you have stated in reply to a question as to the origin of polygamy, asked you, as I remember it by the plaintiffs counsel? A-Yes sir, I told you that,-- what I thought about it.
- 952 Q-And you stated that you thought it originated with Parley Pratt and Williard Richards? A-Yes sir.
- 953 Q-Now I have been over a good deal of ground in my questions to find out whether you know of any other origin for it? A-Well that is my opinion,--that they originated it.
- 954 Q-You do not know that to be the fact,--you have no positive knowledge on that point? A-No sir that is not my positive knowledge, that is I have not any knowledge that would amount to positive proof on that point, but that is my opinion, and I base that opinion upon my observation and reading that book of Father Jacobs, and from the known inability of Brigham Young to establish any such an institution, and Parley Pratt and Williard Richards known ability and inclination to do, therefore I laid it to them.
- 955 Q-Is this your reasoning,--because they were able to do a thing of that sort, therefore they did it? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons that it is not proper cross examination, and is incompetent, irrelevant and immaterial, and calls for an opinion of the witness.
- 956 A-Yes sir I gave you my reasons, but recollect I did not say I knew it, for I don't know it of my own positive knowledge.
- 957 Q-When you heard that doctrine taught as you say you did, and for the teaching of which you say you left the church at Nauvoo; were, or were you not taught at the same time, that the doctrine originated with Joseph Smith? A-What is that?
- 958 Q-I asked you if you were not taught at the same time that that doctrine was taught you there at Nauvoo, and for the teaching of which you left the church at that time, originated with Joseph Smith? A-It was rumored sir that Joseph Smith had such a revelation, but I never found the man that had seen it.
- 959 Q-Now when you heard the doctrine taught in the quorum of seventy did you not always or at the same time that you heard it taught, did you not hear it also taught, that the doctrine or at the back of it had the authority of Joseph Smith? Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.
- 960 A-Well sir they tried to establish that fact, but they never succeeded in establishing it in a very satisfactory manner to any thinking man.
- 961 Q-Is it not a fact that when they attempted to teach, you the doctrine of polygamy or spiritual wifery, or sealing in that sense,--that

they told you at the time that it was the doctrine given by Joseph Smith through a revelation? Counsel for the plaintiff objects to the question asked the witness for on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A-Well of course the Brighamites when they were teaching that doctrine attempted to carry the idea that it was a revelation from Joseph Smith, but I never believed it and there was a great many stood with me in that position, for I was not alone by any means in that opinion.

960 Q-Did they not state that when you first heard of it? A-What is that?

961 Q-Did they not make that statement when you first heard of it? A-Brigham Young I think stated that the original of it had been burned up, and that he had a copy of it, but we did not know whether or not it was a copy, or that there had ever been an original.

962 Q-Well will you answer my question? A-Yes sir I have answered it. I say that I don't believe that Joseph Smith ever had any such a revelation or that there ever was any such an original. I believe that that revelation was forged after Joseph Smith's death, and that he never had any such a revelation.

963 Q-Well when you first began to hear of it as you have testified here, did they not also at that time begin also to teach that it was authorized through a revelation from Joseph Smith?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth, and on the ground that it is a repetition of matter already fully enquired into.

Of course, I say that they claimed that it was in accordance with a revelation that Joseph Smith had received, but no body ever saw the original that I ever heard of or saw.

964 Q-Then they made some efforts to sustain the theory that Joseph Smith was the author of polygamy? A-Yes sir, but there was a great many did not believe them.

965 Q-I believe you stated that you never took any of the endowments? A-No sir I did not take any of their endowments.

966 Q-Were you ever in the temple? A-At Nauvoo?

967 Q-Yes sir? A-Yes sir.

968 Q-Were there rooms there, -was the temple arranged for the giving of the endowments? A-Yes sir. They did not have the temple completed, but they had rooms in it sufficiently finished to receive their endowments there.

969 Q-Then they had rooms in the temple? A-Yes sir, they had rooms there to their satisfaction for that purpose, but none of them were completely finished at that time, or at any other time I understand.

970 Q-Well as there was a room in the temple, why did you not offer yourself there for the purpose of taking the endowments? A-Because I did not want to.

971 Q-Why not? A-Because I preferred not to have them sir.

972 Q-You preferred not to have it? A-Yes sir.

973 Q-Did you know enough about the endowments at that time to know whether you wanted them or not? A-Yes sir.

974 Q-Well what had you seen? A-Well sir I had seen them coming out of the temple drunk and the grease running off them.

975 Q-Did you see that at Nauvoo? A-Yes sir.

976 Q-When did you see that? A-During the winter that they were giving the endowments.

- 977 Q-What was during the winter of '45 and '46 was it not? A-Yes sir.
- 978 Q-Well which was it? A-It was in '45,-that was when I first saw it.
- 979 Q-Well what else did you see in the same connection? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.
- A-Well I saw enough to satisfy me that I had no business in there and did not want to have anything to do with it.
- 980 Q-Well were you invited to attend and take your endowments? A-Yes sir.
- 981 Q-Then you were eligible to take the endowments? A-Yes sir, I had paid my tithes, and I was notified that I could go through the temple and take the endowment. One of their principal men notified me of that, and I told him I did not want to go through it because I did not have any robes, and they told me that they had robes there, and then I said that I could borrow Porter Rockwell's, -no they said I could borrow his robe if I wanted it, and when I said that I did not believe that I could get it, and they thought that it was quite an evidence, -
- 982 Q-Well never mind about what you said and they said, - who was he? A-Who?
- 983 Q-Porter Rockwell? A-On he was quite a distinguished fellow there in the church.
- 984 Q-Well the fact is that you did not take the endowments? A-No sir.
- 985 Q-And you did not take them because you did not want to do so? A-No sir, I concluded that I would have nothing to do with them. That is the reason I would not take them.
- 986 Q-Now you spoke about those endowments that Strang had? A-Yes sir, -it was what was called a covenant.
- 987 Q-The blood covenant? A-Yes sir.
- 988 Q-Did you object to taking the blood covenant with Strang? A-Yes sir I did, -I took it but it was a wicked covenant, -a covenant with death, -an agreement with hell, and I dis-annuled it.
- 989 Q-Well did you take it? A-Yes sir, but as I say afterwards when I saw what it was I dis-avowed it.
- 990 Q-How long was it after you took it before you dis-avowed it? A-Well it was only a short time.
- 991 Q-Well about how long did you live in that covenant before you dis-avowed it? A-Well I guess it was about two months.
- 992 Q-Was that not also a secret covenant? A-Yes sir.
- 993 Q-Did you take an oath that you would not divulge it also? A-Yes sir, I took an oath not to reveal the obligations, -I took an oath to obey the rules of that covenant, but as I say when I found just what it was I dis-avowed it and dis-annuled the obligation they had put upon me.
- 994 Q-You kept it while you were there with Strang? A-No sir I did not.
- 995 Q-You did not? A-No sir I exposed it at the same place, -right there where Strang was living. I did not do anything behind his back, for what I did was done openly and above board.
- 996 Q-How long after you had taken it did you do that? A-Within two or three months afterwards.
- 997 Q-You exposed it then, and you come here and expose it now?

Re-direct examination by Mr. Griffith.

1013 Q-Mr. Griffith, if I understand you correctly, you were a member of the so-called Society of Seven? A-Yes sir, of one of the societies of seven.

- A-Yes sir that is what I did, I exposed it then, and I do so now as far as I remember it. I repudiate it now just the same as I did then.
- 998 Q-Well what is the necessity for you to repudiate ~~that~~ that covenant? A-What is the necessity?
- 999 Q-Yes sir? A-~~Because~~ Because I thought it was my duty to do so.
- 1000 Q-Well what moved you to the performance of that which you considered your duty? A-Well sir because I thought it was entirely derogatory to anything that I thought was even moral. I did not consider that there was anything in it that was consistent with good morals.
- 1001 Q-Did you owe a duty to any one that caused you to make and exposure of that covenant? A-I don't know that I understand you? What do you mean?
- 1002 Q-I say do you owe any one a duty that makes it your duty to ~~now~~ now expose that covenant, or did you owe any one such a duty at the time that you exposed it first? A-Yes sir I so considered it.
- 1003 Q-To whom did you owe that duty? A-I owed it as a duty to my father and my friends and neighbours, and all the world to expose it. That was a duty that I considered that I owed to my father, friends, and neighbours and sisters and the common wealth.
- 1004 Q-What was the ~~moving~~ cause that impelled you to expose that covenant ~~xxx~~ which you had solemnly obligated yourself to not reveal? A-Yes sir, and that was satisfactory to me, and it is a matter of indifference to me whether it is satisfactory to you or not.
- 1005 Q-Then you hold that a man may go into a secret obligation, and agree that he will stand by the obligation with other parties, and afterwards he can come out and expose it to all the world? A-Yes sir.
- 1006 Q-That is your position? A-Yes sir, I hold that that is my privilege.
- 1007 Q-What makes you take that position? A-Well sir I don't believe, that any man has a right to bind me up in that way.
- 1008 Q-As you may not have stated it fully, will you be kind enough to now state the particulars of that obligation? A-Of that obligation?
- 1009 ~~me~~ Q-Yes sir, or of that covenant? A-No sir I could not do it fully but I am informed that there is a covenant here in the house to day, but from recollection I could not state ~~it~~ ~~fully~~ it at this time fully.
- 1010 Q-Well I will withdraw that question, for I do not wish to ask you to reveal a covenant that you took an oath not to reveal, -and which you took in your own blood? A-Well sir I took it in my own blood and signed it ~~in~~ my name in blood, and I dis-avowed the wicked compact and dis-avowed and dis-annuled it, because I thought then, and I am satisfied now that it was a covenant that was of the Evil One, and I should not keep it, and then I did not think it should be countenanced. I took one covenant in my time that I have not divulged, and if I can live up to that I am satisfied, for I know I will be a better man by living up to it, but that was not the case with this covenant that Strang had that I exposed.
- 1011 Q-What is that covenant you refer that you took, and have lived up to? A-The covenant of the gospel.
- 1012 Q-That is all?
- Re direct examination by Mr Traber,-
- 1013 Q-Mr Griffith, if I understood you correctly, you said you were a member of the quorum of seventy? A-Yes sir, of one of the quorums of seventy.

I014 Q-I believe you stated that the number of that quorum of seventy was sixteen? A-Yes sir,-it was the sixteenth quorum of seventy.

I015 Q-You became a member of that quorum? A-Yes sir.

I016 Q-When were you chosen a member of that quorum? A-It was pretty soon after the death of the prophet Joseph Smith.

I017 Q-How many of these quorums were there? A-There was as high as twenty seven quorums of seventy I believe. -I would not be positive about that but I think it was some where in the neighbourhood of that that is that there twenty seven quorums ~~thwrx~~ of seventy there.

I018 Q-By whom were they organized? A- By Brigham Young and his counsellors at a meeting in the grove under some shade trees out of doors. Soon after the confessions in the church there at the time as to who should preside, and who should be the leader of the church, -Sidney Rigdon or the Twelve, and then it was decided that the Twelve should be.

I019 Q-Well what occurred then? A-And then Brigham ordained pretty near all the males, -About all that wore breeches were ordained into some of these seventies. I think there were twenty seven seventies, and that took about all of them in.

I020 Q- How many quorums of seventy were in existence at the time of the death of the prophet? A-How many quorums?

I021 Q-Yes sir? A-I think there was but five quorums of seventy existing at that time. I am not positive but I think that was it.

I022 Q-That is all?

Re cross examination by Mr Southern,-

I023 Q-How long after Brigham Young was church President were you, -was it until you became a member of that quorum of seventy? A-When was it?

I024 Q-Yes sir? A-Through the determination of a vote of the church.

I025 Q-I say ~~xxxx~~ how long after Brigham Young was chosen President, ~~xxxx~~ did you become a member of the quorum of seventy to which you belonged? A-Right soon, -very soon afterwards.

I026 Q-Was it within a month? A-I say it was right soon afterwards, -very soon afterwards any way.

I027 Q-That is all?

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Ms d 1160 Box 2 fd 8

James Whitehead being sworn on the part of the plaintiff in rebuttal, testified as follows,-

Direct examination by Mr. Traber,-

- 1 Q:-Mr Whitehead, I believe you testified here in this case before did you not? A:-Yes sir.
- 2 Q:-It was in February that you testified? A:-Yes sir I think so. I am pretty hard of hearing and you will have to excuse me sir,-you will have to speak loud if you wish me to hear you.
- 3 Q:-Well I ask you if you did not testify in this case in February? A:-Yes sir. I guess it was in February. I did testify here last winter,-not in this room however, but in the other room where the testimony was taken.
- 4 Q:-And on that occasion you testified that you were the private secretary of the prophet Joseph Smith I believe? A:-Yes sir, and I was.
- 5 Q:-How long were you engaged in that capacity? A:-A little over two years.
- 6 Q:-Were you so engaged at the time of the death of the prophet? A:-Yes sir.

By P.P. Kelley,—"Let the record show that the plaintiffs paid the fees of the Willard Griffith being for one hundred and fifty miles at ten cents per mile and for three days attendance as a witness"

By Mr. Southern,—"It is not claimed that Griffith was subpoenaed in this case, is it?"

By Mr. P.P. Kelley,—"No sir it is not claimed that he was subpoenaed and if you want to make an objection to these fees you can do so. Let the record also show that the fees of John Hawley were paid by the plaintiff. He lives at Sheridan, Missouri, and it is one hundred and fifty miles from here, and he was four days in attendance as a witness."

By ~~the Notary~~ *By Mr. Southern*,—"There is a matter I wish to call your attention to, and it is this, -I believe the stipulations that have been filed regarding the taking of these depositions require that they shall all be filed before the first of September, or by that date. Now it is a physical impossibility to have them done by that time, -in fact I think it will take untill the first of October for me to transcribe my notes, possibly longer, and I would like to know what you propose doing about it. The stipulations will have to be varied, or the time extended for filing the depositions, for it is absolutely impossible to transcribe my notes in that time."

By Mr. Kelley,—"Well we all have copies of the testimony, and I suppose it don't make any difference so long as the transcript is on file before the court convenes."

By the Notary,—"I understood, and I think it is on record somewhere in these depositions that I was to have all the time necessary to prepare the transcript, but as I am a little in doubt about it I thought it best to call your attention to it at this time, for I might forget to do so. I understood also that the stipulations in that respect would be waived for the reason that ~~all~~ the parties were getting copies of all the testimony taken, and that one of the reasons the time was fixed for filing the testimony at the time it is, was because the parties desired to have the testimony where they could have access to it, but owing to the fact that they had copies it was not necessary to insist upon it, nor advisable to do so."

By Mr. Kelley,—"Well Mr. Southern, what do you say, -I think with Mr. Orr that this matter ought to be settled now."

By Mr. Southern,—"Well I don't care. I suppose the Notary will have to be allowed to write out his notes. He will get them out as soon as he can and file them, -that will be satisfactory to us."

By Mr. Kelley,—"That is satisfactory to us also."

By the Notary,—"Then I shall proceed to write up the transcript and file it as soon as I get it completed, indexed and compared, and I will be as diligent as I can in that work. I may have it done by the middle of September, and it may be the first of October, -it will all depend on how much more evidence you gentlemen are going to take."

By Mr. Traber,—"Well if that matter is settled I shall proceed with the examination of Mr. Whitehead, -"

7 Q:-You said you private secretary to the Prophet Joseph Smith at one time? A:-I was sir.

8 Q:-Were you a member of the church of Latter Day Saints during the time that you acted in the capacity of private secretary for the Prophet Joseph Smith?

A:-I was.

9 Q:-How long prior to that time had you been connected with the church? A:-How?

10 Q:-As a member? A:-I was baptized on the 18th day of October.-

of these fees."

By E. L. Kelley.-"That has already been all gone over, and it is not necessary to go over all that again, -but let the witness go ahead and answer the question."
A:-I was baptized on the 18th day of October 1837.

By Mr. Traber,-

II Q:-What, if anything did you know, or do you know about the doctrine of polygamy ever having been taught in the church by Joseph Smith at any time prior to his death? A:-Nothing sir.

I2 Q:-You don't know anything about it? A:-I never heard him teach it sir at all, -neither privately nor publicly. He never said a word to me about it, ~~is~~ at all, and I never heard it taught either privately or publicly before his death.

By Mr. Southern,-"Right here I want to enter an objection to any attempt to prove that a doctrine of that kind did not exist, or did exist by negative testimony, for I don't think that it is the kind of testimony that comes within the rules of testimony. To prove that the witness does not know it was taught does not prove that it was not taught."

By Mr. Traber,-

I3 Q:-Well I am going to prove it all together outright if you will possess your soul in patience for a minute or two. What opportunities have you had of knowing that fact, had it existed? A:-Yes sir.

I4 Q:-Did you have an opportunity of knowing it if it had existed? A:-Yes sir.

I5 Q:-What were they? A:-Well I think they were very good

I6 Q:-Well what were they? A:-Well I say they were very good.

I7 Q:-Well now you have stated that they were "very good" but you have not stated what they were? A:-Well I was there in his office, and I was there with him continually, and I was well acquainted with his family I was well acquainted with Sister Emma, and I never saw anything or heard of any such thing being taught there in Nauvoo prior to the time of the death of the prophet, -I never even heard of it one way or the other.

I8 Q:-That is the practice of it? A:-Yes sir.

I9 Q:-You never heard of it before the death of Joseph Smith, is that what you say? A:-Yes sir.

20 Q:-Well what about the teaching of it? A:-Whether it was taught by Joseph Smith?

21 Q:-Yes sir, or by any one else in his life-time? A:-I never heard him teach it sir.

22 Q:-Did the elder in the church or any one else in authority in the church during the time you were there in Nauvoo occupying the position you said you did with Joseph Smith, -did they at any time during that period teach it? A:-No sir.

23 Q:-Did you ever hear any person holding any office in the church speak or preach upon doctrinal points? A:-Yes sir, I have heard them a great many times. I have heard preaching a great many times, both by Joseph Smith and others.

24 Q:-Have you ever heard ~~him~~ ^{Joseph Smith} talk to the elders and other officers in the church upon doctrinal points? A:-Yes sir. I have heard him preach to them a great many times upon doctrinal points.

25 Q:-Have you ever heard him talk to them in a conversational way upon doctrinal points? A:-Yes sir.

26 Q:-Where would these conversations take place? A:-Very frequently in his office.

27 Q:-Would you be present at any of these times? A:-Yes

- sir, I would be present.
- 28 Q:-Where did you say these conversations would take place. I think you stated where it would be but I don't recollect it? A:-I said they would very frequently be in his office, and I would be present.
- 29 Q:-Would you hear what would be going on in these conversations, -what would be said and done? A:-Yes sir, they would not always be in his office however, for sometimes it would be at his house. I have heard him talk in his office, and in his house about all these things.
- 30 Q:-Upon what subject would he talk? A:-Upon the doctrines of the faith of Christ, -upon the gospel, -upon the gospel of grace, faith, repentance, baptism, the laying on of hands, the gift of the Holy Spirit, the resurrection from the dead, etc, -I have heard him talk about all these things.
- 31 Q:-When you say you have heard him talk about "all these things" you mean the things or subjects you have enumerated? A:-Yes sir.
- 32 Q:-Did you ever hear him say anything about a plurality of wives? A:-No sir.
- 33 Q:-Did you ever know a man by the name of Kingsbury? A:-I did sir. I knew him.
- 34 Q:-When? A:-There.
- 35 Q:-Well where? A:-There at Nauvoo.
- 36 Q:-Well when did you know him in Nauvoo? A:-Do you want the date?
- 37 Q:-Yes sir, as nearly as you can give it? A:-Well he was in the office, -that is in the store-room delivering out supplies, provisions and clothing and such things to the ones that labored on the temple and other places for the church under the direction of Newel K. Whitney.
- 38 Q:-Who was Whitney? A:-He was the bishop.
- 39 Q:-What was his first name? A:-Whose first name?
- 40 Q:-Kingsbury? A:-Joseph C.
- 41 Q:-What, if anything, did he have to do with the duties of secretary to the prophet Joseph Smith? A:-He did not have anything to do with that, -nothing at all sir.
- 42 Q:-Did you know a man by the name of Clayton? A:-William Clayton do you mean?
- 43 Q:-Yes sir? A:-Yes sir, I knew him also.
- 44 Q:-Where did you know him? A:-I knew him in England and I also knew him at Nauvoo.
- 45 Q:-Did you know him at Nauvoo before or after the prophet's death? A:-I knew him many years before the prophet's death, for I knew him in England before he joined the church.
- 46 Q:-Where was he during the time that you were performing your duties as secretary to the prophet? A:-He was a clerk for me, or with me I should say, in that office for quite a while.
- 47 Q:-He was a clerk in the office? A:-Yes sir.
- 48 Q:-What were his duties? A:-He had different duties, -clerking in the office, examining and writing.
- 49 Q:-Were his duties the same as yours? A:-No sir, not exactly. He did not have exactly the same duties to perform that I did. He was there helping on the books and doing whatever he was directed to do.
- 50 Q:-You say he did not have the same duties to perform that you did? A:-No sir, not exactly the same.

- 51 Q:-Well what were the duties he performed? A:-Well I was in the possession of Joseph's private papers, in a desk I had them and I had the key to that desk myself, and William Clayton was more of a clerk and attended to a great deal of the business on the outside. That is about the difference.
- 52 Q:-Well was he Joseph Smith's private secretary in any sense of the word? A:-Well he was in some parts of the business, for he attended to the outside business. He was in some parts of the business, for he attended to the outside business, and I attended to the inside business, -to the books.
- 53 Q:-Who attended to the books? A:-Clayton.
- 54 Q:-How long did William Clayton attend to any part of the business of the prophet? A:-Well he was there before I was, but he was not in that office all the time after I came there. There were some things that took place in connection with Clayton that gave dissatisfaction. There was money disappeared that was not accounted for, and for that reason he was removed from that office, but he did outside work, and other work in another capacity, and I was put in charge of the office in his place.
- 55 Q:-Then he was removed from his position as private secretary? A:-Yes sir.
- 56 Q:-By whom was he removed? A:-By Joseph Smith and the committee.
- 57 Q:-What committee do you refer to? A:-That was the temple committee.
- 58 Q:-Well do you remember the year in which that occurred? if you do you can state it? A:-Yes sir, that occurred in '43.
- 59 Q:-Well about what time in '43 did that occur according to the best of your recollection? A:-It was in '43 in the beginning of the year.
- 60 Q:-Well now then, -what was the nature of the other employment that he was engaged in. I mean that Clayton was engaged in? A:-Why it was going out and attending to business generally. There was a good deal of business done in regard to the lots and farms of the church.
- 61 Q:-Well what was the nature of that business? A:-Well the church would buy in property and sell it out again, and he attended to most of that business. I did not attend to that at all, and Clayton would look after that sir.
- 62 Q:-Well was that after he had been removed by the prophet? A:-Yes sir, that was after he had been removed from the office of private secretary by the prophet, and from this other office by the prophet and temple committee.
- 63 Q:-Did you ever hear or know anything of an ordinance of the church, -an ordinance in the church or out of it for that matter, called sealing? A:-Yes sir.
- 64 Q:-You have heard of that? A:-Yes sir, I heard about it.
- 65 Q:-Now you may state when you first heard of that ordinance, and all you know about it? A:-All that I know about it, -is that what you want?
- 66 Q:-Yes sir, state all you know about it? A:-Well I could not tell you the date that I first heard of it, that is the time of the year, but it was in '43, -in the early part of the year, I think, -it might possibly be the latter part of '42, for I would not be positive about the date, that I first heard of that ordinance, the sealing as they called it of husband and wife. They would be married according to the ordinances of the laws of God, not only for time, but

- for eternity as well.
- 67 Q:-They would be married for time and eternity as well?
A:-Yes sir, but that applied only to husband and wife and a man could not have but one wife, -they were not allowed to have more than one wife.
- 68 Q:-A man was allowed, then, to have but one wife, and he could be sealed to her for this life as well as the life to come? A:-Yes sir.
- 69 Q:-Was that ordinance the result of a revelation?
A:-I do not understand about that.
- 70 Q:-Well was the authority for that ordinance derived from a revelation? A:-Why it was according to scripture, -according to what was written. It was a setting apart, -not only uniting-but they were bound to stick together, unless they were divided by the law of the land, for we never went against the law of the land in anything.
- 71 Q:-Do you know anything at all in reference to a revelation on sealing? A:-That is all I know about it, -what I have told you is all I know about it sir. Perhaps I don't quite understand what you want.
- 72 Q:-Well I don't think you do either? A:-Well ask me the question again and then perhaps I will understand you.
- 73 Q:-What I want to know is this, whether the prophet or, whether you ever saw or heard of what was claimed to be a revelation on this subject from Whitney or any body else? A:-With regard to polygamy?
- 74 Q:-No sir, -with regard to sealing? A:-Why that was the law of the Lord. It was the law of God as it is written, but it was to be done in the spirit of holiness, -in the purity of the spirit of holiness, but it only applied to a man and his wife, and they could be sealed to each other for time and for eternity, and that bond could not be broken only by the law of the land.
- 75 Q:-Did Whitney ever show you a revelation on any subject whatever? A:-Yes sir, he showed me a revelation.
- 76 Q:-Well what was it? A:-Well sir, I can't repeat it.
- 77 Q:-Well I don't ask you to repeat it. I asked you what subject it was on? A:-It was on what we are talking about now.
- 78 Q:-I understood you to say that you did not know of any revelation upon that subject? A:-I don't know what you mean by "revelation on that subject."
- 79 Q:-Well sir, I mean simply a revelation on the subject of sealing? That is what I mean? A:-Well that was all the subject that was talked about as far as I remember.
- 80 Q:-I understood you to say that the sealing was founded upon the scriptures? A:-Well sir, so it was. It is founded upon the scriptures.
- 81 Q:-You say that Whitney showed you a revelation at one time? A:-He did sir.
- 82 Q:-Well now what had this revelation of Whitney's to do with the matter of sealing? A:-Yes sir, that is what the revelation showed, and the Lord says so by his written law too.
- 83 Q:-Well that was in the revelation that Whitney showed you? A:-Yes sir. Yes sir, that was in the revelation.
- 84 Q:-And Whitney showed you the revelation? A:-Yes sir.
- 85 Q:-To whom was that revelation given? A:-To Joseph Smith sir.
- 86 Q:-It was given to Joseph Smith? A:-Yes sir, to Joseph

- Smith the prophet.
- 87 Q:-You are sure of that? A:-Yes sir.
- 88 Q:-Well can you tell any more definitely what its contents were? A:-Oh I don't know any further than it was on that subject of plural marriage, but I can't repeat it for it has been so long since I saw it. I remember that it was before they went to Salt Lake.
- 89 Q:-What was before they went to Salt Lake? A:-That Whitney showed me that. It was before they went to Salt Lake, for at that time they had arranged to go to Salt Lake, or I should say to go westward into the wilderness, for at that time they did not know they were going to Salt Lake.
- 90 Q:-Well was it before or after the prophet's death? A:-It was after the prophet's death. It was after Joseph's death that he showed me that.
- 91 Q:-Under what circumstances did he come to show you that? A:-I went up to winter quarters or to Omaha to settle my account with the church and make my report. That was after they had left Nauvoo and were in winter quarters at Omaha or near there. Well as I said I went up there to make my report, and I did not stay there, for as I said when I was giving my testimony before I saw things going on there that I did not like,-
- 92 Q:-Well you need not state what caused you to leave there, but go ahead and state what you saw there,-what were the circumstances I mean under which you came to see this revelation? W:-Well as I said I was there to make my settlement with the church, and while I was there, before I left, I went and stayed all night with Bishop Whitney, and he showed it to me then.
- 93 Q:-Now when was that? A:-That was in the spring of '48.
- 94 Q:-Do you know when the revelation purported to have been given? A:-No sir, I don't recollect the date,- that is I don't recollect the date positively, but as far as my recollection goes it was in '42,- I think it was about '42. Now I am not positive about that, but I think it was about '42.
- 95 Q:-How much of a document was it? A:-Well sir, it was as much about as would fill this leaf,-both sides of it (referring to a sheet of fool's cap paper) I should think it was about three sides of a sheet of paper like that.
- 96 Q:-Was it in manuscript? A:-Yes sir, it was written.
- 97 Q:-Did you write it? A:-I did.
- 98 Q:-I asked you if you wrote it? A:-I did not understand the question,- I thought I was asked if I read it. No sir, I did not write it.
- 99 Q:-Well did you read it? A:-I did sir.
- 100 Q:-Do you recollect whose handwriting it was in? A:-Well I would not be positive, but I think it was William Clayton's. I could tell in a moment if I could see it for certain, but I think now it was in William Clayton's. I am not sure about that, but I think it was in Clayton's hand.
- 101 Q:-Since that time have you seen it? A:-No sir, I haven't seen it since that time, for I haven't been near them since then.
- 102 Q:-Do you know what became of it? A:-No sir.
- 103 Q:-Was it ever printed that you know of? A:-I never saw it printed. I saw what they claimed was it, or what purported to be it, that was published in the book of Doctrine and Covenants published by the Brighamite church in Salt Lake.
- 104 Q:-Was that the same one that you had given you by Bi-

- shop Whitney, and which you read there at winter quarters? A:-No sir, it was not the same.
- I05 Q:-What difference was there in them? A:-It was not the same at all. It was entirely changed.
- I06 Q:-It was changed you say? A:-Yes sir.
- I07 Q:-Can you tell in what particular it was changed? A:-It was changed so that it sanctioned polygamy, and that change was made by the Brighamites, for there was no such a thing in it when it came from Joseph the martyr. You can find it for yourself in the book of Doctrine and Covenants published by the Brighamites at Salt Lake, and you will see in it as published by them that it sanctions and imposes polygamy on the church, but there was not such thing in the revelation that Whitney showed me, -nothing of the kind at all sir. I remember when I first saw that revelation, they have in their books of Doctrine and Covenants, for it was brought to me by a man from Salt Lake, and he showed it to me, and asked me what I thought of it, and I told him that it was spurious.
- I08 Q:-Did you recognize that revelation as published in the book of Doctrine and Covenants from Salt Lake, -did you recognize it as the revelation you had seen at winter quarters? A:-No sir, I told you it was not the same, -that it was changed so that it sanctioned polygamy, and there was nothing about polygamy or plural marriage in the revelation that Whitney showed me. It was changed entirely.
- I09 Q:-Well I know you say that, but did it have, or did you recognize in the revelation published in the book of Doctrine and Covenants published by the Utah Mormon church any part of the revelation that was shown you when you were at winter quarters? A:-It was entirely changed, but there was some points of similarity.
- I10 Q:-How do you know it was changed? A:-Well it did not have the same language at all.
- I11 Q:-Well now might it not have been an entirely new revelation? A:-Well sir I could not tell about that.
- I12 Q:-Well that might be the case might it not? A:-Well I could not say about that, for there were some parts of it if it was the same, that were turned and twisted around and warped so that they had another meaning entirely from what the one had that Whitney showed me. I know that I considered when I read it that they had got that revelation from Bishop Whitney, and they had changed it entirely and added to it a great deal. I know that for it had nothing to do with polygamy when it came from Joseph Smith. On the contrary it was entirely opposed to it, but they had changed it around until they had made it sanction polygamy.
- I13 Q:-You refer to the purported revelation published by the Salt Lake church, when you say the revelation was changed so as to countenance polygamy? A:-Yes sir, and the revelation that Whitney had did not say anything about polygamy.
- I14 Q:-And is that revelation the revelation under which polygamy was practiced in the Salt Lake church? A:-Well sir, all I know about that is what I have heard. I never was there and I don't know what they did practice there.
- I15 Q:-Well if they practiced polygamy was it under that revelation it was done?
- Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it calls for an opinion of the witness.

- A:-Well I say that that revelation that was published in their book of Doctrine and Covenants sanctioned it, but there was nothing about polygamy in that revelation that Bishop Whitney had, and I think they took that revelation that Whitney had and changed it so that it read to sanction polygamy, and now they try to pass it off as one of Joseph Smith's revelations.
- II6 Q:-Did it bear the same date? A:-What?
- II7 Q:-Did the revelation, or purported revelation published in the book of Doctrine and Covenants published by the Utah Mormon church have the same date as the revelation shown you by Bishop Whitney?
- A:-Well my recollection is that the one published in the Salt Lake book of Doctrine and Covenants, did not bear any date. It had no date in the book of Doctrine and Covenants that I recollect of.
- II8 Q:-Are you positive as to that? A:-No sir, but if it had a date I don't recollect of it.
- II9 Q:-But you do remember that the one you saw at winter quarters was dated? A:-What is that, -?
- I20 Q:-The revelation as you saw it at winter quarters bore a date did it not?? A:-I could not say. I don't remember much about a date for I just read the revelation, and the man that gave it to me asked me what I thought about it, and I told him it was not right, - that it was spurious and a fraud, and that Joseph Smith never gave that.
- I21 Q:-Well you refer now to the revelation printed in the book of Doctrine and Covenants published by the Salt Lake church? A:-Yes sir.
- I22 Q:-Well I am asking you about the revelation that was shown you by Bishop Whitney, - did that revelation bear a date? A:-I told you that I thought it was dated in '42.
- I23 Q:-When that revelation was handed ~~xxx~~ to you at Omaha for your perusal, was there anything said to you at that time about where it had been kept from the time it was given down to the time you saw it? A:-Bishop Whitney had kept it himself.
- I24 Q:-How do you know that to be the fact? A:-Well he told me so himself. He told me that he had kept it.
- I25 Q:-That he, Whitney, had kept it? A:-Yes sir.
- I26 Q:-Did he tell you where he had gotten it? A:-He said he had gotten it from Joseph Smith.
- I27 Q:-Did he tell you when? A:-No sir, and I did not ask him when he got it.
- I28 Q:-Well what did he say about that? A:-He said that Joseph gave it to him to keep and take care of. That is all that I know about that.
- Counsel for the defendants objects to the answer of the witness and moves the court to strike it from the record for the reason that it is incompetent and hearsay.
- I29 Q:-What reason have you for thinking that that revelation that you saw at winter quarters was a part of the revelation incorporated in the book of Doctrine and Covenants published by the Utah church? A:-Well I will tell you what the reason was, - because the man that had it told me that that was the revelation of Bishop Whitney, - I mean that the revelation that Bishop Whitney had, and that it was put in the book of Covenants. Now that is all that I know about it.
- Counsel for the defendants objects to the question asked

A:-Well I say that that revelation that was published in their book of Doctrine and Covenants sanctioned it, but there was nothing about polygamy in that revelation that bishop Whitney had, and I think they took that revelation that Whitney had and changed it so that it read to sanction polygamy, and now they try to pass it off as one of Joseph Smith's revelations.

II6 Q:-Did it bear the same date? A:-What?

II7 Q:-Did the revelation, or purported revelation published in the book of Doctrine and Covenants published by the Utah Mormon church have the same date as the revelation shown you by Bishop Whitney?

A:-Well my recollection is that the one published in the Salt Lake book of Doctrine and Covenants, did not bear any date. It had no date in the book of Doctrine and Covenants that I recollect of.

II8 Q:-Are you positive as to that? A:-No sir, but if it had a date I don't recollect of it.

II9 Q:-But you do remember that the one you saw at winter quarters was dated? A:-What is that, -?

I20 Q:-The revelation as you saw it at winter quarters bore a date did it not?? A:-I could not say. I don't remember much about a date for I just read the revelation, and the man that gave it to me asked me what I thought about it, and I told him it was not right, - that it was spurious and a fraud, and that Joseph Smith never gave that.

I21 Q:-Well you refer now to the revelation printed in the book of Doctrine and Covenants published by the Salt Lake church? A:-Yes sir.

I22 Q:-Well I am asking you about the revelation that was shown you by Bishop Whitney, - did that revelation bear a date? A:-I told you that I thought it was dated in '42.

I23 Q:-When that revelation was handed ~~me~~ to you at Omaha for your perusal, was there anything said to you at that time about where it had been kept from the time it was given down to the time you saw it? A:-Bishop Whitney had kept it himself.

I24 Q:-How do you know that to be the fact? A:-Well he told me so himself. He told me that he had kept it.

I25 Q:-That he, Whitney, had kept it? A:-Yes sir.

I26 Q:-Did he tell you where he had gotten it? A:-He said he had gotten it from Joseph Smith.

I27 Q:-Did he tell you when? A:-No sir, and I did not ask him when he got it.

I28 Q:-Well what did he say about that? A:-He said that Joseph gave it to him to keep and take care of. That is all that I know about that.

Counsel for the defendants objects to the answer of the witness and moves the court to strike it from the record for the reason that it is incompetent and hearsay.

I29 Q:-What reason have you for thinking that that revelation that you saw at winter quarters was a part of the revelation incorporated in the book of Doctrine and Covenants published by the Utah church? A:-Well I will tell you what the reason was, - because the man that had it told me that that was the revelation of Bishop Whitney, - I mean that the revelation that Bishop Whitney had, and that it was put in the book of Covenants. Now that is all that I know about it.

Counsel for the defendants objects to the question asked

- the witness on the ground that it is immaterial and hearsay.
- I30 Q:-When you were at Nauvoo, where did you reside with reference to the prophet's home? A:-Where did I reside with reference to Joseph Smith's home?
- I31 Q:-Yes sir? A:-Oh, I lived maybe three hundred yards from where he ~~lived~~ lived.
- I32 Q:-How often would you see him? A:-Oh I saw him frequently.
- I33 Q:-Well about how often did you see him? A:-Oh I saw him every day.
- I34 Q:-You saw him every day you say? A:-Well perhaps not every day, but I saw him almost every day that he was in Nauvoo. I saw him on Sunday, because if I was not busy I would go and hear him preach, and as I did not make a practice of doing any work on Sunday in the office I generally went to hear him preach.
- I35 Q:-Now you have testified that you were in the office of the prophet down to the time of his death? A:-I was sir. I was there in his office at the time that he was murdered.
- I36 Q:-Right up to the time of his death you were in his office, and acted in the capacity of private secretary for him? A:-Yes sir, I was in his office at the time he was killed.
- I37 Q:-Well were you in his office at the time he was killed-or were you at Carthage where he was killed? A:-No sir, I was not at Carthage. I was in his office on that day, and I was keeping the books at that time.
- I38 Q:-Then you were not present at the time he was killed? A:-No sir, I was not at Carthage, -I was not there when he was killed.
- I39 Q:-How many days had he been gone from Nauvoo before he was killed? A:-Well it was but a very short time. I remember the circumstance very well and he was gone but a very short time, for I know that the governor came down there to Nauvoo and made a speech to the people. I remember that right well for he said in that speech that "stands as though it was over one hundred kegs of powder, and if you don't give up Mr. Smith you must take the consequences", and he had left there before that, and the time that the governor was making that speech Joseph and Hyrum was shot dead at the Carthage jail.
- I40 Q:-I don't quite understand you when you say that they demanded that they should be given up? A:-I said that he demanded that Joseph Smith should be given up.
- I41 Q:-Well I understand that, but I don't understand how he should demand that they must be given up when they were already in the jail at Carthage? A:-Well he did say so. I understand that is another speech you have reference to. You must understand that the governor was there more than once, for he was there at Nauvoo two or three times making speeches. It was Joseph was given up that he made that inflammatory speech about the powder and what would happen if he was not given up. I remember that now, for they gave themselves up, or rather went to Carthage and gave themselves up, and it is my opinion that it was right the next afternoon they were shot. At any rate they were there but a very short time before they were murdered. I remember that the Governor came down again and he made another speech, and he told the citizens that they must be careful and keep the law, and made a long speech, and while he was there making that speech both Hyrum and Joseph Smith were shot dead in cold blood in the Carthage jail, and Willard Richards and John Taylor were there also, and John Taylor

- was shot in the wrist.
- I42 Q:-Well, that don't make any difference? A:-Well I thought I would tell you, for I did not think there was any harm in telling you all I knew about it, and I knew they were shot for I saw the wounds myself.
- I43-Q:-Well how many wives did the Prophet have? A:-How many wives did Joseph Smith have?
- I44 Q:-Yes sir? A:-He had one.
- I45 Q:-What was her name? A:-Emma.
- I46 Q:-Do you know of any other woman who claimed to be the wife of the Prophet? A:-No sir, I don't know of any other.
- I47 Q:-Do you know of any other woman who claimed to be the wife of Joseph Smith there at Nauvoo? A:-No sir, I don't know them.
- I48 Q:-Or any where else other than at Nauvoo? A:-No sir,
- I49 Q:-You don't know of any wives he had other than Emma at any time or place? A:-No sir, and I never heard of such a thing.
- I50 Q:-And you don't know of any women who claimed to be his wives or plural wife? A:-No sir, I don't know anything about ~~EE~~ it. I never saw any of them, but I don't know about what they might claim, -I don't know anything about that.
- I51 Q:-Did you ever hear anybody claim except Emma Smith, that she was the wife of Joseph Smith?? A:-Did I ever hear any other woman but Emma claim that she was Joseph's wife?
- I52 Q:-Yes sir? A:-No sir, I did not, -not that I remember of. I don't believe that I ever heard that claim made. I don't say that I did or did not, -I say that I have no recollection of it, -I know this that there never was anything said in my hearing about that.
- I53 Q:-Did you ever hear any of them, -any one but Emma Smith, -did any of them ever come to you or to the Prophet in your presence for money claiming to be the wife of the prophet?? A:-Just state that again.
- I54 Q:-Did any woman ever come to you, or to Joseph Smith in your presence, during the time of your employment, for money, claiming that she was the wife of Joseph Smith? A:-Never.
- I55 Q:-They never did? A:-Never.
- I56 Q:-Was any entry of that kind ever entered on the books by you? Was any claim, or any money paid out by you, or by him, and an entry made of it having been paid to any woman claiming to be the wife of Joseph Smith? A:-No sir.
- I57 Q:-You say no? A:-Yes sir.
- I58 Q:-You mean to no woman other than to Emma Smith? A:-Yes sir, of course excepting his wife Emma. Of course that is another thing.
- I59 Q:-There was no other woman? A:-No sir.
- I60 Q:-That is all.
- Cross examination by Mr. Southern, -
- I61 Q:-Here is a book marked exhibit "A" and entitled the "Doctrine and Covenants of the Church of Jesus Christ of Latter Day Saints, containing the revelations given to Joseph Smith, jr, the Prophet, etc", -it is too long to read, but it is published at Salt Lake City, Utah, and I believe it will be admitted to be the book purporting to be the book of Doctrine and Covenants published by the Utah church at Salt Lake City? A:-Is that the book that was published by the Salt Lake people?
- I62 Q:-Yes sir? A:-Yes sir, that is the book I believe.
- I63 Q:-Now I want you to read from page four hundred and

and sixty four.

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not cross examination, and is incompetent, irrelevant and immaterial.

A:—"And verily I say unto you, that the conditions of this law are these,--all covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations or expectations, that are not made, and entered into and sealed by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity, and that too most holy by revelation and commandment through the medium of mine anointed whom I have appointed on the earth to hold this power, (and I gave appointed unto my servant Joseph to hold this power in the last days, and there is never but one on the earth at a time on whom this power and the keys of this priesthood are conferred) are of no efficacy, virtue or force, in and after the resurrection from the dead: for all contracts that are not made unto this end have an end when men are dead." Now is that what you want me to read?

I64 Q:--Yes sir? A:--Well sir, I have read it,--now what do you want to know about it?

I65 Q:--Did you ever hear that before? A:--No sir.

I66 Q:--You swear you never heard that before? A:--I have read it in there before this, but I never heard of it or saw it anywhere but in there. I know nothing about that at all but what I see in there.

I67 Q:--Can you swear that that is not the Whitney revelation that you have referred to,--about which you have been testifying? A:--Sir?

I68 Q:--Can you swear positively here today that that is not the Whitney revelation? A:--What revelation?

I69 Q:--The Whitney revelation,--the revelation you have testified as having seen and read when it was in the possession of Bishop Whitney at winter quarters? A:--With regard to this?

I70 Q:--Yes sir? A:--With regard to whether it is the same as the revelation that Whitney had?

I71 Q:--Yes sir? A:--Yes sir, I swear it is not the same, for that revelation that Whitney had there had no such words in it to my knowledge. Not the part which I read I know, and if it was ever put into it it was put into it by Brigham Young or some of his clique, for it was not in there at the time that Whitney showed it to me, of that I am positive.

I72 Q:--What was not in it? A:--That part which I have read, that is the first time I ever have seen that to remember it I think. I saw this revelation or alleged revelation before, but this is the first time that my attention was called specially to this particular part of it sir, and I know that that was not in the revelation that Whitney showed me.

I73 Q:--Well I believe you stated that there was enough of the Whitney revelation, or the revelation which he showed you, in this revelation in the Utah book of Doctrine and Covenants for you to identify it? A:--To identify it with the one that Bishop Whitney had?

I74 Q:--Yes sir? A:--No sir, I did not say anything of the kind, for there was nothing of that sort in it.

I75 Q:--Well I believe you did state that there was enough in it of the revelation that Whitney showed you, to identify it? A:--I don't understand you.

I76 Q:--Did you not testify here that there was enough in the revelation,--the Salt Lake City revelation,--I mean the revelation as published in the Salt Lake edition of the book of Doctrine and Covenants, to identify it with the revelation that Bishop Whitney had shown you?

A:--I said that if it was the same or any part of it

that there were words and sections or paragraphs added to it in such a manner as to entirely change its meaning, - that is what I said sir. I said that they were mixed up in such a manner and manipulated so as to change its meaning entirely sir. There has been a word or two taken from one place, and some more from another, and it has been warped around so as to change its meaning entirely if it is the same, which I don't say is the case.

I77 Q:-Did you not say that there was enough of the original language in it to identify it, - for you to identify it as having been the original revelation?

A:-No sir, I said that they had taken parts of that revelation perhaps, and had added to it in such a way as to change its meaning entirely. I did not say that was the same revelation, and I don't know now that it is or that it is not, but if there is any part of the revelation that Whitney showed me in this, it has been so mutilated and changed around as to entirely change the meaning from what it originally was.

I78 Q:-You give that as your opinion? A:-Yes sir, and that was enough for me to know. That was my opinion the first time I saw this one here in this book, and it is my opinion now.

I79 Q:-At what time did you read this Salt Lake revelation so called? A:-I read it, - let me see, - I read it five or six years ago. There was a man at Belleville and he can tell you for he showed it to me, and his name is Joseph Betts, - Joseph Betts, senior. He showed it to me out of the book of Covenants from Salt Lake, and that was the first time I had seen it, for I never was there.

I80 Q:-You mean that you were never at Salt Lake? A:-Yes sir, I never was there.

I81 Q:-Well that was five or six years ago? A:-Yes sir, maybe six or seven years ago, and maybe not so long and maybe it was longer ago than that. I can't be positive as to the length of time.

I82 Q:-When did you see it in the hands of Whitney? A:-Which one?

I83 Q:-There is only the one that I understood you to say that Whitney had, and now I ask you when it was that you saw the one that he had in his hands? A:-That was in '48.

I84 Q:-What time in the year was it? A:-It was in the spring of the year at the time that I was leaving Salt Lake, - I mean Omaha, or winter quarters. I stopped there before I left with Whitney all night, and I read it then, for he gave it to me to read.

I85 Q:-When did you leave there? A:-Winter quarters do you mean?

I86 Q:-Yes sir? A:-Well that was in the spring of '48 and I left there the next morning, for I stopped with Bishop Whitney the night before I left there for good. I just happened accidentally to stop there with him that night, for I should have gone away the night before, but I could not get over the river for the ferry had stopped, and that was the reason that I stopped with Whitney as I did, and that was the time and the only time I read it.

I87 Q:-How many times did you read it? A:-Once.

I88 Q:-Having read it but once, are you prepared to say from memory, after the lapse of nearly or quite ~~forty~~ forty years, are you prepared to say that the revelation published in the Utah book of Doctrine and Covenants has been changed from the revelation that Bishop Whitney showed you? A:-Yes sir, I say if it is the same revelation it has been very greatly changed from what it was when I read it at Bishop Whitney's house.

I89 Q:-Now upon what do you base for that? A:-Well I can not understand that question.

- I90 Q:-I asked you upon what basis you based that opinion
A:-Well I can't tell you other than my remembrance of these things. I can remember whether a thing contains certain matters after forty years. Now take that so called revelation in this book, -if you were to ask me forty years hence if it had been changed, I could tell you, for if there had been any material change in it I would remember it. That revelation as it is now teaches polygamy, and if it is changed by taking that out of it, I would remember it although I might not see it for forty years, and I would be able to tell you that there is a change in it too.
- I91 Q:-You never saw that revelation but the one time, and that was at winter quarters, and in the hands of Bishop Whitney? A:-Yes sir.
- I92 Q:-Was that the only time you saw it? A:-Yes sir.
- I93 Q:-And you read it once? A:-Yes sir.
- I94 Q:-Was it written in a good clear hand? A:-Yes sir.
- I95 Q:-Was it written in black ink or blue ink? A:-In black ink.
- I96 Q:-You are sure of that? A:-I think so.
- I97 Q:-Do you know who it had been written by? A:-Yes sir.
- I98 Q:-Who had written it? A:-I told you that I thought it had been written by Clayton.
- I99 Q:-By W William Clayton? A:-Yes sir.
- 200 Q:-Did you see him and ask him about it? A:-No sir, for he was not there.
- 201 Q:-Why should he have written that? A:-I don't know anything about that and I did not ask him.
- 202 Q:-Did you know his hand writing? A:-Yes sir, I did know his hand writing.
- 203 Q:-You say it was in William Clayton's hand writing? A:-I say I think it was, but I don't say that positively, for others might write the same, -I don't know anything about that, but I think it was his hand writing.
- 204 Q:-Now could you thirty five or forty years ago read over a page of manuscript, and remember what was in it so well as to testify forty years afterwards what was in it so well, as to testify what was in it? A:-Yes sir, I could at that time, and I can tell you things now that transpired over fifty years ago. Now I don't say mind you, that I could do it forty years hence.
- 205 Q:-You say then that you could read over two or three pages of manuscript forty years ago, and tell what was in it? A:-Yes sir, if it was something that particularly impressed itself on my memory, and that was something that left a very strong impression on my mind, for that was the first time I had seen that revelation on sealing, and the only time I saw it, and I was interested in it to a great extent, and I observed it closely, and I remember about what the doctrine was that was taught, and I know that this doctrine of polygamy was not taught in it.
- 206 Q:-Could you recollect it accurately? A:-I could remember when I saw it whether it was the same or not, if it was anything like that sir.
- 207 Q:-Are you willing to rely on your memory in relation to this matter and testify that these revelations were not the same, -that is that the revelation that Whitney showed you was not the same as this published in this book? A:-Yes sir, I would swear positively that they were not the same at all.
- 208 Q:-Well wait a moment, -are you willing to say that forty years after you had read two or three pages of a manuscript that you are able or capable of identifying what purports to be that manu-

- script or a copy of that manuscript? A:-In what way?
- 209 Q:-In any way,-from memory? A:-Yes sir,I can to some extent,I can tell,for I know what you mean,-I can tell that there are principles taught in this book here in this alleged revelation that are not taught,-I mean were not taught in that revelation that Whitney had. I know that of my own knowledge sir,and you can make what you please out of it. Now wait,don't interrupt me,-give me a chance to explain myself,-I have given you the reasons as to why I would be more than likely to remember this revelation and what was in it that Whitney showed me,and I do remember it, and I know that the principles that were taught in the one that Whitney showed me,are not in this one in this book,and if it is the same revelation it has been added to and changed so that there is not the same meaning in it that was in the original. I say, mark you,if it is the same,for I don't say that it is the same,by any means.
- 210 Q:-Well-they are not the same? A:-No sir,for that did not teach any such stuff as this here in this book,not any like stuff.
- 211 Q:-Then I understand you to say also that you remember the language of that manuscript so well that you can tell that some of the language that was in that manuscript is in this Salt Lake book? A:-Is in there?
- 212 Q:-Yes sir? A:-In that book?
- 213 Q:-Yes sir,in that Salt Lake book? A:-Yes sir,there is some of it in it I think,or something like it.
- 214 Q:-Then it is a fact that you remember it so well that you can remember some of the language that was in there? A:-Yes sir.
- 215 Q:-And some of it had been changed,-you remember that also? A:-Yes sir,it has been changed,and a good deal put in there that was not in there at all,-that is some has been put in that was not in the manuscript at all,-that is assuming that they are the same,for I don't say that any part of this manuscript was put in this book at all.
- 216 Q:-Well assuming that it was it has been changed? A:-Yes sir,it has been changed from what it was there.
- 217 Q:-But some of it is the same? A:-Yes sir.
- 218 Q:-Were there any other principles taught in what you read from the Utah book of Doctrine and Covenants but the principles of polygamy? A:-I cannot say. I never read but that one principle,for I did not have it any time,-I was disgusted with it when I read it. I just read it the one time and handed it back to the man who had given it to me.
- 219 Q:-Was that piece you looked at just one part or just one section? A:-Yes sir,he just handed it to me and asked me what I thought about it,and I expressed my opinion and handed it back to him.
- 220 Q:-You read it of course before you expressed your opinion? A:-Yes sir,certainly I did.
- 221 Q:-You did not look at any thing only what he called your attention to? A:-That was all.
- 222 Q:-And that was on the question of polygamy? A:-Yes sir.
- 223 Q:-Well as it was a very important matter,as you regarded it,this doctrine of polygamy,why is it that you did not when you first saw how the Utah church was- using it,or handling it,why did you not then look over all that was said? A:-I did not have any interest in it at all. It was a matter of no special interest to me,for I knew long before that from what I had heard the position they had taken and what they claimed and taught. I had nothing to do with them and I would not be with them on account of their wick-

- edness. I did not care anything about them or what they taught for I knew they were lost in their wickedness.
- 224 Q:-Then you did not care whether they practiced polygamy or not? A:-No sir.
- 225 Q:-Why did you not take an interest in that? A:-Well I did not care anything about it for that was their business, and not mine, and I did not see that I had any particular interest in it.
- 226 Q:-It was a matter of indifference to you then? A:-No sir, not exactly that, for I knew that I could not do anything with them and I did not have to answer for their crimes.
- 227 Q:-Your conscience was easy on that score? A:-Yes sir perfectly easy.
- 228 Q:-You have testified here today as to what you understood sealing between husband and wife to be? A:-Yes sir.
- 229 Q:-What was that? A:-They were to be married according to the ordinances, -that is all.
- 230 Q:-Well then did sealing mean marriage? A:-That is what I understand it to be, and that is about all I did or do know about it.
- 231 Q:-Sealing then was not only for time but for eternity as well? A:-Yes sir, that was what was provided for in that ordinance.
- 232 Q:-Who could be sealed? A:-It was for husband and wife that was all, -they could be sealed for time and eternity, and they were the only ones that could be sealed.
- 233 Q:-That was done through a revelation? A:-What is that?
- 234 Q:-The authority for that was through a revelation through Joseph Smith, was it not? A:-That was done by the authority of the church sir.
- 235 Q:-It was authorized by the church then? A:-Yes sir.
- 236 Q:-And not by a revelation? A:-They said it was by a revelation, but I never read it, and I don't know what it was for I never had anything to do with it.
- 237 Q:-Your garments were clear from sin? A:-Yes sir, they are clear from polygamy entirely. There is no taint of polygamy on my garments, -I have kept clear of that sir.
- 238 Q:-Now what I was going to ask you was this, -how if a man was sealed for time and eternity to his present wife, and she died and he married another, and he was sealed to her, -how would it be in the hereafter with that woman? A:-Oh I don't know that they were that way.
- 239 Q:-Well wait a moment, -would not that man have two wives in eternity? A:-Well sir, I don't know. I could not say anything about that for I never knew of a circumstance of that kind. I will tell you what I think sir, -I believe that polygamy was from the devil from the beginning, and that is my opinion and I don't care who knows it either sir.
- 240 Q:-Now under that revelation did not a man have a right, if he was a member of the church, did not a man have a right to be sealed to his wife? A:-No sir.
- 241 Q:-He did not? A:-No sir, he had a right to have his wife sealed to him.
- 242 Q:-Well suppose that a man had one wife, and she was sealed to him and then died, and then he married another woman how would it be? A:-What is that?
- 243 Q:-Supposing I say that a man had a wife, and she was

sealed to him and she died, and then he married another wife, - how would that be then? A: - Well that would be all right, - but I don't know much about that, - I did not have anything to do with the business of sealing.

244 Q: - Well would not that man have two wives in eternity?
A: - No sir.

245 Q: - Why not? A: - Because they would not seal two wives to him for eternity.

246 Q: - Well how do you know that? A: - Well that is what they said.

247 Q: - Well was there not a revelation to that effect?
A: - I don't know anything about it, - I did not read the revelation.

248 Q: - Well now is it not a fact that this practice or doctrine of polygamy grew out of that sealing doctrine, and that they were sealed as you have suggested for eternity, and being sealed for eternity, was not the next subject and suggestion, that if they were sealed for eternity they might also be married for time? A: - Well I can't answer that question, for I don't know anything about it sir. I can't answer that question for it is something I don't know anything about.

249 Q: - Well is it a fact that if Joseph Smith had any extra wives, or other wives than Emma Smith, if he did that, - had these extra wives and practiced it, - that is practiced polygamy, he would not be likely to let you see him at it? A: - Well I don't believe he ever did any such a thing. 250 Q: - Well if he did that he would not have

251 Q: - Well sir, answer my question, - is it likely that when he practiced polygamy - if he did practice it, that he would have invited you to witness it? A: - I don't believe that he ever did practice it.

252 Q: - Well is it probable that he would have invited you to see him practice it? A: - I don't know anything about that.

253 Q: - Well now answer that question, - is it probable that he would have invited you to witness it, - to witness his practicing it?

A: - Well I say I don't know. I don't think he is guilty of practicing it sir. I don't believe he was ever guilty of practicing it.

254 Q: - Well supposing that he was guilty of it, would he have invited you to witness his practicing it?

A: - I can't answer supposed cases.

255 Q: - You decline to answer that question? A: - Yes sir, for I can't answer it.

256 Q: - Well now does it follow that because you did not see him practice polygamy, that he did not practice it?

A: - I told you that I did not believe that he ever practiced it, and I told you that he never taught it to me not to any one else that I knew of, and that I never heard him say anything about it one way or the other.

257 Q: - He did not talk to you about it? A: - No sir.

258 Q: - No wthe question is, - you say you did not hear him say anything about it one way or the orher? A: - No sir.

259 Q: - Now I am not denying that, but the question is, does it follow that he did not practice it because you did not see him practice it? A: - I can't answer these questions because I don't know anything about it.

360 Q: - Well I will ask you this as matter of reason, and

let you know anything about it, - it is altogether probable that he would not let you know anything about it if he could prevent it? A: - Well I say I don't believe he ever did any such a thing.

- within the workings of your own mind, -does the fact that you did not see him practice polygamy, prove to the satisfaction of your own mind that he did not practice it? A:-I cannot say.
- 261 Q:-You have no answer to make to that at all? A:-No sir, I have nothing to say to that at all.
- 262 Q:-Well then you say you never spoke to him about polygamy? A:-No sir, and he never spoke to me about it.
- 263 Q:-Well I will ask you this question, -did Joseph Smith know that you were opposed to the practice of polygamy? A:-How could he know it when he never mentioned it to me one way or the other. There never was anything said about it between us, and he could scarcely know that I was opposed to it.
- 264 Q:-He did not talk to you about it? A:-No sir, he never did. He never mentioned it to me one way or the other, and I think I have told you that at least a dozen times.
- 265 Q:-Well do you think that his confidence in you was so great, that if he had more than one wife, or a dozen wives, that he would keep the accounts of these wives there with you, or allow you to keep them for him? A:-Well I know that I never did keep any accounts of that kind and I don't think he ever did have but the one wife.
- 266 Q:-Did you ever know Melissa Lott? A:-Melissa ~~LEE~~ who?
- 267 Q:-Melissa Lott? A:-Melissa Lott?
- 268 Q:-Yes sir? A:-No sir, I don't know that I did. I don't recollect the name at all.
- 269 Q:-You do not recollect the name of the woman at all? A:-No sir, I have no recollection of it at all.
- 271 Q:-Did you know Eliza Partridge? A:-No sir, that was before I went there, and I don't know anything about it at all.
- 271 Q:-Did you know Emily Partridge? A:-No sir, I did not know any of the Partridges, -that is not to be acquainted with them.
- 272 Q:-You did not know either Emily or Eliza Partridge? A:-No sir.
- 273 Q:-Did you know Maria Lawrence? A:-No sir, I did not know her by that name.
- 274 Q:-Did you know her by the name of Smith? A:-What Smith was it?
- 275 Q:-The one that was Maria Lawrence, -did you know her? A:-I knew William Smith and his wife, and I knew Samuel Smith and his wife, but I don't know what their first names were.
- 276 Q:-Did you know Sarah Lawrence? A:-I don't recollect the names at all. If I knew them I don't recollect these name now, and that was a very long time ago you know for a person to remember the names of people that he was not very well acquainted with, if he was acquainted with them at all, and I don't say that I ever knew these people for I don't remember them at all now if I did.
- 277 Q:-Did you know Sarah Walker? A:-No sir.
- 278 Q:-You did not know her either? A:-No sir.
- 279 Q:-If these, or any of these women whose names I have mentioned were at any time the wives of Joseph Smith you never knew anything about it? A:-No sir, I never did, and I don't believe that any of them ever were.
- 280 Q:-Well if they were his wives, he would not have been likely to have told you about it would he? A:-I don't know. I know he did not tell me, or say anything about it one way or the other, and I don't believe they were his wives either.
- 281 Q:-Were you in and about Joseph's residence often? A:-Yes sir.
- 282 Q:-How often would you be there? A:-Oh I would be there very often.

- 283 Q:-Well how often would you be there at Joseph's house? A:-I could not tell you,-I would be there I should say about every week, more or less. I would be there just when I had business there, or felt like going when I had the time.
- 284 Q:-What business would take you there to Joseph's house? A:-I can't say, for just when I had business that would take me down there I would go down to see him perhaps, and very often I would go when perhaps I would have no business at all. When I had business there and would go there, I can't tell you now what that business was.
- 285 Q:-Well what business did you have, or would you have in his family? A:-Only to talk with him on any business that might come up that might come up and ~~XXXXXX~~ that would be urgent and I felt that it was necessary to see him.
- 286 Q:-Well that is what is what would take you down there to his house? A:-Yes sir.
- 287 Q:-Just general business? A:-Yes sir, anything that would come up that I wanted to see him about.
- 288 Q:-Was it not your custom generally to transact your business at the office? A:-It was.
- 289 Q:-Well then what occasion did you have to go to his house at all on business? A:-Well only as I told you when there would be something come up that required his attention, or I wanted his advice about it, and I knew that he was at his home, why I would go up to his house and see him, and ask him about it.
- 290 Q:-Well where would you find him at his residence? A:-Where would I find him?
- 291 Q:-Yes sir? A:-Why there at his house of course. Where else would I find him?
- 292 Q:-I mean whereabouts at his residence would you find him? A:-Why in one of the rooms of course.
- 293 Q:-Would he always be in one room? A:-No sir, some times he would be in the kitchen, some times in the dining room, -in one room and another the same as any man would be around his home.
- 294 Q:-Did you ever see anybody in a room with him? A:-Yes sir.
- 295 Q:-Who have you seen? A:-I have seen his wife in a room with him very often.
- 296 Q:-Was she always in the room with him? A:-No sir, of course she was not, -sometimes she would be in the room with him, and sometimes some of his children would be with him, and sometimes he would be alone in the room.
- 297 Q:-How many rooms did he have in his house? A:-Well he had a very comfortable residence, -I can't say how many rooms there was in it, but it was a very comfortable residence.
- 298 Q:-Did it have rooms up stairs and down stairs both? A:-He was living in the "Nauvoo Mansion" most of the time I was there during his lifetime, and there was rooms both upstairs and downstairs.
- 299 Q:-Was not his family pretty extensive at that time? A:-Yes sir, he had considerable children.
- 300 Q:-He had how many children at that time living with him? A:-Well all he had were living with him.
- 301 Q:-Well how many children did he have, if you remember and what were their names? A:-Well he had Joseph and he had Alexander and he had Fred, -I remember that these three boys used to come and play with my boys. I remember that they used to do that for I lived not a great ways from where they lived, and they

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- would come over to p play with my boys occasionally.
- 302 Q:-Well was that all the children he had at that time?
A:-Yes sir, I think so, -yes sir, that was all.
- 303 Q:-Now did he not have another son? A:-He did not at that time, for David was not born then, -he was not born until after Joseph was martyred.
- 304 Q:-Did you ever know Eliza Snow? A:-Yes sir, I have known her and I have seen her.
- 305 Q:-Were you well acquainted with her? A:-Well well enough to know who she was.
- 306 Q:-Did you ever see her there at Joseph Smith's?
A:-Yes sir, -did you ask me if I ever saw her at Joseph's? You must excuse me for I am rather hard of hearing.
- 307 Q:-Yes sir, I asked you if you had ever seen Eliza Snow at Joseph Smith's? A:-No sir, I never saw her there that I remember anything about.
- 308 Q:-Did you know where she lived? A:-Yes sir.
- 309 Q:-Did you ever see Joseph Smith at her house? A:-No sir.
- 310 Q:-Did you ever see him at her house, -at her father's house I mean? A:-Did I ever see Joseph at her father's house?
- 311 Q:-Yes sir? A:-No sir, I never did. I knew her and I knew where she lived, but I never saw him at any of these houses. I knew her pretty well, but I never saw him at her father's house, or her at his house.
- 312 Q:-Now you say you saw her, -where did you see her?
A:-On the street and at meetings on Sundays.
- 313 Q:-How did you know her? A:-How did I know her?
- 314 Q:-Yes sir? A:-Just the same as I would know you if I were to meet you on the street, or any where else.
- 315 Q:-Did you ever see her and Joseph Smith together?
A:-No sir.
- 316 Q:-Did you know Mrs. Law? A:-Who?
- 317 Q:-Mrs. Law? A:-William Law's wife?
- 318 Q:-Yes sir? A:-Did I know her?
- 319 Q:-Yes sir? A:-No sir, for I never was in his house, but I have seen her. I had no more acquaintance with her than merely knowing her when I would see her.
- 320 Q:-Did you ever see her and Joseph together? A:-No sir, I never did. I never did sir.
- 321 Q:-Did you ever have any conversation with Joseph about her? A:-Never sir.
- 322 Q:-Did you ever have any conversation with her?
A:-About what?
- 323 Q:-About what, -about anything? A:-No sir.
- 324 Q:-Had William Law become disaffected towards the church while you were there? A:-Disaffected?
- 325 Q:-Yes sir? A:-Why he went off along with John C. Bennett.
- 326 Q:-That was before Joseph's death? A:-Yes sir.
- 327 Q:-You remember that much? A:-Yes sir.
- 328 Q:-Do you know what the trouble was? A:-Well all I know about it was that he was a great admirer of John C. Bennetts.
- 329 Q:-What was the matter with William Law? A:-I don't know what was the matter with him. I don't know that there was anything the matter with him.
- 330 Q:-Was there any trouble between him and Joseph?
A:-No sir, not that I know of.
- 331 Q:-You said you were the secretary and kept the private affairs of Joseph Smith? A:-Yes sir.

- 332 Q:-You were the secretary of Joseph Smith or the church which? A:-How is that?
- 333 Q:-You were the secretary of Joseph Smith or the church? A:-Joseph Smith.
- 334 Q:-Or the church,--which was it? A:-I say I was the secretary of Joseph Smith. I was one of his secretaries.
- 335 Q:-You are sure of that? A:-Yes sir.
- 336 Q:-And you kept his journals? A:-Yes sir.
- 337 Q:-Did you keep his letter books? A:-Yes sir.
- 338 Q:-Was Brigham Young after Joseph, President? A:-William who?
- 339 Q:-Brigham Young, was he the president after Joseph Smith? A:-I don't think I knew William Young.
- 340 Q:-I did not say "William Young" I said Brigham Young A:-Oh Brigham Young?
- 341 Q:-Was he chosen president after Joseph Smith? A:-Not when Joseph was living he was not.
- 342 Q:-Where were you when he was chosen president? A:-He was never chosen president,--not to my knowledge. If he was ever chosen president I don't know anything about it, but they said at winter quarters that he was chosen president at Kanesville at the time they held a conference there, but I was not there and I don't know anything about it of my own knowledge,--that is only what I heard about it, and I don't know that he was chosen president.
- 343 Q:-Was he, or was he not President of the Twelve at Nauvoo? A:-At what time?
- 344 Q:-At the time you were there in Nauvoo, or any part of the time you were there, and before the death of Joseph Smith? A:-Yes sir.
- 345 Q:-He was President of the Twelve at Nauvoo? A:-Yes sir.
- 346 Q:-When was he chosen President of the Twelve? A:-I was not there, and I don't know when he was chosen President of the Twelve, for I was not there at the time.
- Counsel for the plaintiff objects to the question asked the witness, and to all this line of examination on the ground that it is immaterial and irrelevant, and not proper cross examination.
- 347 Q:-Was not Brigham Young there at Nauvoo after Joseph ~~Smith~~ the death of Joseph Smith accepted in the,--in some way accepted as the President of the church?
- Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination.
- A:-No sir.
- 348 Q:-He wasn't? A:-No sir, he was not. Not at Nauvoo.
- 349 Q:-He was not, you say, and you are positive of that? A:-I am positive that he was not so chosen at Nauvoo but if you want me to tell you about it I can tell you the whole story.
- 350 Q:-Well go ahead and tell it? A:-Brigham Young never was chosen until he was chosen there at Kanesville.
- Counsel for the plaintiff objects to the question asked the witness on the ground that it is not responsive to any question and is not cross examination.
- 351 Q:-I believe you testified when you were on the stand here before that you were acquainted with the publication known as the "Times and Seasons"? A:-Yes sir, and I have got the Times and Seasons at my home.
- 352 Q:-Was that a church publication? A:-Was it published by the church do you mean?

353 Q:-Yes sir,-in other words as I put it,was it a church publication? A:-Yes sir,of course it was. Of course it was a church publication just the same as what the Herald is now.

354 Q:-Would you refresh your memory and read from page six hundred and thirty seven under the heading "special meetings",-read the first paragraph in the second column?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent,irrelevant and immaterial,and not cross examination,and for the further reason that the book from which witness is asked to read has not been identified.

355 Q:-Well read that? A:-Well what do you want to know by that? What do you want me to read that for?

356 Q:-Well read it? A:-On the 8th of August 1844,at a special meeting of the church of Jesus Christ of Latter Day Saints,convened at the stand in the city of Nauvoo,President Brigham Young called the audience to order,and arranged the several quorums according to their standing and the rules of the church. The meeting had been previously called as stated,to choose a guardian or trustee for said church."

Well what about it?

357 Q:-Well does not that refresh your recollection? A:-No sir.

358 Q:-It does not? A:-No sir. It was not necessary for me to read that,for I knew it as well as I do now without reading it.

359 Q:-Well are you not able to say now after reading that paragraph which I have called your attention to that Brigham Young on the 8th day of August 1844,was not the President? A:-No sir,he was not the President of the church.

360 Q:-You say notwithstanding that paragraph that he was not the President of the church? A:-I say at that time he was not elected president of the church.

361 Q:-Well I did not say anything about his being elected President of the church,but at that time was he not the acting President of the church? A:-No sir,he was not the acting President that I know of.

362 Q:-He was not the acting President,you say? A:-Yes sir,that is what I say.

363 Q:-Well is the paragraph which I have called your attention to,and which you have read,true or not true, is it true or false? A:-It is not true sir. It is not true,because it was never done according to what is said there.

364 Q:-What is not true? A:-He did not set the quorums in order.

365 Q:-I offer the paragraph here on page six hundred and thirty seven,under the head of "Special meetings" in evidence. It is found in exhibit "O" in the second column of the page I have stated,-I offer the whole of the article or section under that heading?

Counsel for the plaintiff objects to the question and the offer of the defendant above specified on the ground that it is incompetent,irrelevant and immaterial to any of the issues involved in this case,and not cross examination,and for the further reason that the book or exhibit from which the part is offered is not and has not been properly identified.

The part offered is in words and figures,as follows,-

"Special Meeting"

"On the 8th of August 1844 at a special meeting of the church of Jesus Christ of Latter Day Saints convened at the stand in the city of Nau-

voo, President Brigham Young called the audience to order, and arranged the several quorums according to their standing and the rules of the church. The meeting had been previously called, as stated, to choose a guardian or trustee for said church.

Elder Phelps opened the meeting by prayer, and President Young then proceeded to speak, and gave his views of the present situation of the church, now that the prophet and patriarch were taken from our midst by the wickedness of our enemies. For the first time since he became a member of the church, a servant of God, a messenger to the nations in the nineteenth century; for the first time in the kingdom of God, the Twelve apostles of the Lamb, chosen by revelation in this last dispensation of the gospel for the winding up scene present themselves before the saints to stand in their lot according to appointment. While the prophet lived we all walked by "sight", he is taken from us and we must now walk by "faith". After he had explained matters so satisfactorily that every saint could see that Elijah's mantle had truly fallen upon the Twelve, he asked the saints what they wanted. Do you want a guardian a prophet, a spokesman, or what do you want? If you want any of these officers signify it by raising the right hand." *g* Not a hand was raised.

He then gave the saints his views of what the Lord wanted. Here are the "Twelve" appointed by the finger of God, who hold the keys of the priesthood, and the authority to set in order and regulate the church in all the world. Here is Elder Amasa Lyman and Elder Sydney Rigdon; they were Counselors to the First Presidency, and they are counselors to the Twelve still; if they keep their places; but if either wish to act as spokesman for the prophet Joseph, he must go behind the veil where Joseph is. He continued his remarks for nearly an hour, opening by the Spirit of God, the eyes, ears and hearts of the saints to the subject before them, and to their duty and the glory of God.

Elder Amasa Lyman followed and fully accorded with the views of Elder Young. I have been at the back of the prophet Joseph and I shall be at the back of the "Twelve". There is no need of choosing a guardian or head, the apostles have the power as they had anciently, and this is the power that turns the key and will bear off the kingdom of God in all the world, triumphantly; and I will help them obtain that glory, that eye hath not seen, ear hath not heard, and the heart of man hath not conceived. His remarks were continued in the full fruition of the spirit that whospers; union is strength and peace is joy.

Elder Phelps spoke next, and continued the same spirit and feeling, having known many of the elders for fourteen years, and had seen them take their lives in their hands, without purse or scrip, in summer and in winter, through good and through evil report, for the salvation of souls and for the benefit of Zion, without the hope of reward, save pleasing God and obeying his commandments, - had seen them harness for war when wicked men sought their lives and endeavored to destroy their wives and children; and at all times they were willing to act by counsel; they will do it now; this lake of faces does not seem so pleasant without indicating good; and the elders who have stood on the right and left of our departed prophet, knowing the power and authority of the priesthood will honor it. Elder Rigdon must know how he obtained his endowment, or what he has; for he has not received all, only a small part. Let him and the whole of Israel rejoice this day, for if they rear that temple and are faithful they shall all be endowed (men and women) as God will, till they

themselves and their progenitors, as well as secure their posterity. Fear not concerning a prophet; Joseph held the keys in this world and holds them in the world to come, and counsels for you now. I understand the revelations and know that in them all things are written concerning the Twelve.

Elder P. P. Pratt said that what had been said, was well said, and went into the merits of the subject with his usual animation. Says he, I know we can all live happy if we deal with honest men; I do not like the practice when any one is sick or in difficulty to run to a doctor or lawyer, run to the very worst men to be cured or helped out of a difficulty. Let me die a natural death and suffer wrong, rather than hire a doctor to kill me, or a lawyer to fleece me and leave me to the beggarly elements of the world. As to merchants, I say nothing of them. You know what I mean.

Elder Young again resumed, -I do not ask this audience to take my counsel; act for yourselves; if Elder Rigdon is your choice manifest it; if the Twelve be the men to counsel you to finish the great work laid out by our departed prophet, say so, and do not break your covenant by murmuring hereafter. When the whole subject was properly explained and understood, and Counselor Rigdon refused to have his name voted for a spokesman or guardian, the question was put "all in favor of supporting the Twelve in their calling, (every quorum, man and woman), signify it by the up-lifted hand," and the vote was unanimous, no hand being raised in the negative. The next vote was that the Twelve should select and appoint two Bishops to act as trustees for the church, according to law. This vote was unanimous also. Another unanimous vote was passed to use every exertion to forward the building of the temple, and so strengthen the hands of the committee. The revelation relating to tithing was referred to, and the manifestation of every saint seemed to be, we will do as the Lord hath commanded; and the assembly was dismissed with the blessings of the Lord.

(The following note to the above appears as a part of the communication or article above set forth.)

The Twelve would invite the brethren abroad, in obedience to the commandments of the Lord, to gather at Nauvoo, with their means, to help build up the city, and complete the temple, which is now going forward faster than it has at any time since it commenced. Beware of the speculations about the prophet. Believe no tales on the subject; time will tell who are the friends of Joseph Smith, who laid down his life for his brethren. We have no new commandments, but beseech the brethren to honor and obey the old ones. For where-so-ever the carcass is, there will the eagles be gathered together. More in the next.

Brigham Young.

Sep't 2. 1844.

Pres. of the Twelve.

366 Q. Q:-Was not Brigham Young, soon after the death of Joseph Smith, recognized as the leader of the church at Nauvoo? A:-As President?

367 Q:-As the leader I say? A:-He was not recognized at Nauvoo as the President of the church, -he was recognized as the President of the Twelve, -that was all.

Counsel for the plaintiff objects to the question asked the witness, and the answer thereto, on the ground and for the reason that it is not cross examination, and is incompetent, irrelevant and immaterial, and moves the court to exclude the answer for that reason.

368 Q:-Well now I will ask you again whether or not he was recognized as the leader of the church? A:-No sir.

369 Q:-He was not? A:-No sir, not any more than the rest of the Twelve.

370 Q:-He was not a leader any more than the rest of the Twelve were, -is that what you say?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent and immaterial, and not proper cross examination.

A:-No sir, he was not in church matters.

371 Q:-Not in church matters? A:-No sir, in affairs of that kind it had to be the quorum. He did not do it himself, for it was not valid if he did it without the quorum.

372 Q:-Did he have any more functions than any others of the Twelve?

Counsel for the plaintiff objects to the question for the reasons above set forth.

A:-No sir, only the function of presiding over the Twelve as its president. That is what I understood. Counsel for the plaintiff objects to the answer of the witness, and moves the court to exclude it from the record on the ground that it is incompetent and hearsay.

375 Q:-Then Mr. Whitehead what will you say to this question, -was he not the highest officer in the church at that time? A:-I don't think he was in some things

374 Q:-Who was higher than he? A:-He might have been in spiritual affairs, but not in temporal affairs.

375 Q:-Well was he the highest officer in the spiritual affairs of the church? A:-He was the highest in the Twelve, -he was the President of the Twelve.

376 Q:-Was he not the highest officer in the church at that time? A:-I say he was the President of the Twelve, -that was the office he held.

377 Q:-Well was he not the highest officer in the church in spiritual affairs? A:-I don't consider that he was any more superior than any of the rest of the Twelve ~~XXXXXXXXXXXX~~ in that matter.

378 Q:-As President of the Twelve was he not the highest officer in the church in spiritual affairs connected with the Twelve, -with the church I should say?

A:-Well all the difference I know of between him and any of the rest of the Twelve, was that he had to preside over their counsellings.

379 Q:-Could any other person preside when he was present? A:-Preside at a meeting of the Twelve, do you mean?

380 Q:-Yes sir? A:-No sir.

381 Q:-No one else could preside over the deliberations of the Twelve when he was present? A:-No sir, not if he was there.

382 Q:-Now then when the church was called together in greater numbers than the twelve as a body, he was entitled to preside? A:-Yes sir. Well no, that is not it either, for any one that was called could preside, for he was not obligated to do so. They could have called another by his consent, and another could in that way preside at the church meetings.

383 Q:-They could call another to preside you say? A:-Yes sir, by his consent, but it would have to be one of the twelve and not any one else.

It being impossible to complete the taking of these depositions on this day, by consent of the parties hereto as aforesaid, the further taking of the same was continued until Thursday, August 4th 1892 at the hour of 1.30 o'clock in the afternoon of that day, at the place in that behalf last aforesaid.

Now at the hour of 1.30 o'clock in the afternoon of Thursday August 4th 1892 come the parties hereto as aforesaid, and the further taking

of the depositions herein was continued pursuant to adjournment.

C-E. Reynolds, of lawful age, being produced, sworn and examined, in rebuttal, on the part of the plaintiff, testified as follows,-

Direct examination by Mr. Kelley,-

- 1 Q:-State your name to the Notary? A:-My name is C.A. Reynolds.
- 2 Q:-You may state where you live Mr. Reynolds? A:-Where do I live now?
- 3 Q:-Yes sir,-where do you live at the present time? A:-I live in Cedar County.
- 4 Q:-In what state? A:-Missouri. Cedar County, Missouri.
- 5 Q:-How long have you lived there in Cedar County? A:-Oh let me see,-about twelve years.
- 6 Q:-Where did you live before you went to Cedar County? A:-I lived in Cass County, and in Jackson County.
- 7 Q:-In Cass and Jackson Counties, Missouri? A:-Yes sir.
- 8 Q:-You lived in Jackson County before you lived in Cass County? A:-Yes sir.
- 9 Q:-Where did you live before you lived in Jackson County? A:-In Illinois.
- 10 Q:-Near what place? A:-Near Washburn in Woodford County.
- 11 Q:-Where were you born? A:-I was born in New York City sir.
- 12 Q:-How old are you? A:-In next October, on the 16th day, I will be seventy two years old.
- 13 Q:-Were you a member of the original church of Jesus Christ of Latter Day Saints, at the time of the death of Joseph Smith? A:-Yes sir.
- 14 Q:-You were a member of the church at the time of the death of Joseph Smith? A:-Yes sir.
- 15 Q:-Where did you live then? A:-I lived in New York city.
- 16 Q:-At the time you became a member of the original church? A:-Yes sir.
- 17 Q:-Where did you become a member of the original church? A:-In New York City.
- 18 Q:-Who baptized you? A:-James W. Blakeslee baptized me sir into the church.
- 19 Q:-Were you ever acquainted with a man by the name of Granville Hedrick? A:-Yes sir.
- 20 Q:-When did you first become acquainted with him? A:-In Illinois.
- 21 Q:-I asked you when you became acquainted with him,-not where? A:-Well the first time I saw the man, it was in Lakin, the County seat of Marshall County.
- 22 Q:-In what year was that that you became acquainted first with him? A:-Well I don't remember exactly, but it was somewhere along about the year '50. I can't tell just exactly the date or the year, for I can't remember it, but it was somewhere near along about that time.
- 23 Q:-Were you a member of any religious organization with Granville Hedrick in Illinois, along about that time? A:-Yes sir.
- 24 Q:-Was Granville Hedrick an elder in the original church? A:-Yes sir.
- 25 Q:-Before Joseph Smith's death I mean? A:-Yes sir.
- 26 Q:-Under whose direction did you come to Jackson County,-if you came under anybody's direction? A:-Well we came here under his direction.
- 27 Q:-Whose direction? A:-Granville Hedrick's.

- 28 Q:-When did you come? A:-Where?
- 29 Q:-When did you come to Jackson County first?
A:-Well I came in the fore part of '68.
- 30 Q:-How long after you came here was it before Granville Hedrick came, if at all? A:-Well I can't say positively, but it was something like a year or two after we came here before he came.
- 31 Q:-That he came here? A:-Yes sir.
- 32 Q:-You say it was about a year or two after you came ~~when~~ ^{what} he came? A:-Yes sir, something like that. I don't recollect exactly how long it was, -I recollect however that it was a year or two or something like that that he came here, -but the exact date I do not remember.
- 33 Q:-I hand you now a book marked "Pliff's exhibit W" and ask you to look at it and say if you ever saw it before? or one just like it? A:-Yes sir.
- 34 Q:-You have seen that before? A:-Yes sir, I have seen one like it. That is the work.
- 35 Q:-Whose work is it? A:-Granville Hedrick's.
- 36 Q:-Does that contain the doctrine that was presented by Granville Hedrick, -the doctrine of what is known as the "Hedrickite church" That you all believed in at that time? A:-Yes sir.
- 37 Q:-And you say you have seen that before? A:-Yes sir.
- 38 Q:-Are you acquainted with C. A. Hall, one of the defendants in this suit? A:-Charles Hall?
- 39 Q:-Yes sir, -Charles A. Hall? A:-Yes sir.
- 40 Q:-Do you recognize him here? A:-Yes sir, that is the gentleman sitting there.
- 41 Q:-That is the man? A:-Yes sir.
- 42 Q:-When did you first become acquainted with him?
A:-Well I would not be certain as to dates, but it was some two or three years ago anyhow. He had not been here a great while before I got acquainted with him.
- 43 Q:-By "here" where do you mean? A:-I mean here at Independence. I don't recollect just when it was but it was not long after he came here that I got acquainted with him.
- 44 Q:-Was Charles A. Hall an early member in the Hedrickite church? A:-Yes sir. He professed to be anyhow, but I don't know of my own knowledge anything beyond what he professed to be, and he professed to be an earnest member of the church.
- 45 Q:-The question is was he an early member of the Hedrickite church, -that is did he become a member of that church at an early date? A:-What did you say?
- 46 Q:-The question is, -did Hall become a member of the Hedrickite church at an early date? A:-No sir, I don't think he was. I think he belonged to the re-organized church for quite a while if I understand it right.
- By Mr. Southern, -"I object to the question, and the answer of the witness specifically, and generally to all this line of examination and the questions asked this witness on the ground that it is not in any sense rebuttal, and does not tend to rebut any testimony offered by the defendants, or any of them, and it is not pertinent to any ~~question~~ ^{pleading} in this case and on the further ground that it is immaterial, irrelevant and incompetent."
- 47 Q:-When did C. A. Hall unite with the Hedrickite church if you know?
- Counsel for the defendants objects to the question asked the witness

on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal.

A:—When did Charles Hall unite with the church known as the Hedrickite church?

48 Q:—Yes sir, when did that occur, if you know? A:—I can't tell the time exactly.

49 Q:—Well about what time did it occur as nearly as you can recollect? A:—Well as I say I could not tell exactly the date, because he attached himself to the church before I knew anything at all about it.

50 Q:—You did not know anything about it at the time he became a member of the church? A:—No sir, I was a member of the church at the time, but I did not know anything about his having become a member of it until he was installed in position.

51 Q:—Can you tell about the time,—about the year that that was? A:—Well I ain't positive about it, and therefore I could not state positively the year it was. I can't state definitely the year it was, but I know it was but a short time until I heard of it, but I can't refer to the year. My recollection is not very good on the matter of dates, and I can't state when it was.

52 Well about how many years ago was it. I don't care about the absolute time being stated, but about how many years ago was it according to the best of your recollection?

Counsel for the defendants objects to the question asked the witness on the ground that it is not relevant to any of the issues in this case, and is not proper rebuttal, and is incompetent, irrelevant and immaterial.

A:—Well I would say,—to the best of my ability it was about four or five years ago.

53 Q:—Did you ever have any correspondence with C.A. Hall?

Counsel for the defendants objects to the question for the reasons above set forth.

A:—Lots of it.

54 Q:—You have had correspondence with him? A:—Yes sir, lots of it.

55 Q:—Look at the letter I now hand you, and say whether you received that from C.A. Hall? A:—Yes sir.

56 Q:—You received that from C.A. Hall, one of the defendants in this case? A:—Yes sir, that is his hand-writing, and his name is signed to it.

Counsel for the defendants objects to the question asked the witness and the answer of witness to same, for the reasons above set forth.

57 Q:—Is that the letter which you received from C.A. Hall? A:—What is that you say?

58 Q:—Is that a letter which you received through the mails from C.A. Hall? A:—It is.

The letter above referred to in the answer of the witness is hereupon handed to the Notary Public, and by him marked as "exhibit 200, J.M. Orr." in accordance with request of counsel for the plaintiff.

59 Q:—I have not offered that in evidence yet Mr. Southern, but I want it marked so that it can be identified,—that is my only object in having it marked at this time. Look at this letter which I now hand you Mr. Reynolds and state if you ever saw that before?

A:—Yes sir.

Counsel for the defendants objects to the question asked the witness for the reasons and on the grounds that it is incompetent, irrelevant and immaterial, and not proper rebuttal testimony.

60 Q:—That is another one of the letters? A:—Yes sir, that is another one of the letters.

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A:-When did Charles Hall unite with the church known as the Hedrickite church?

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49 Q:-Well about what time did it occur as nearly as you can recollect? A:-Well as I say I could not tell exactly the date, because he attached himself to the church before I knew anything at all about it.

50 Q:-You did not know anything about it at the time he became a member of the church? A:-No sir, I was a member of the church at the time, but I did not know anything about his having become a member of it until he was installed in position.

51 Q:-Can you tell about the time, -about the year that that was? A:-Well I ain't positive about it, and therefore I could not state positively the year it was. I can't state definitely the year it was, but I know it was but a short time until I heard of it, but I can't refer to the year. My recollection is not very good on the matter of dates, and I can't state when it was.

52 Well about how many years ago was it. I don't care about the absolute time being stated, but about how many years ago was it according to the best of your recollection?

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A:-Yes sir.

Counsel for the defendants objects to the question asked the witness for the reasons and on the grounds that it is incompetent, irrelevant and immaterial, and not proper rebuttal testimony.

60 Q:-That is another one of the letters? A:-Yes sir, that is another one of the letters.

61 Q:-That you received from C.A.Hall through the mails?

A:-Yes sir, that is another one of them.

62 Q:-One of whose letters? A:-One of Hall's.

63 Q:-Don't you mean C.A.Hall this gentleman here, and one of the defendants in this case? A:-Yes sir.

64 Q:-Did you receive that letter from him through the United States mail? A:-Yes sir.

Counsel for the defendants objects to the question asked the witness for the reasons above set forth.

In accordance with the request of plaintiff's counsel, for the purpose of identification the letter above referred to is marked "exhibit 201, J.M.Orr."

65 Q:-What time was this letter marked exhibit "201" received by you with reference to the date that it bears, -was it received by you about the date that it bears?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal.

I don't know what month it was that I got that but it was in '91. It says the 16th of some month, but the month is not stated there. It does not give the definite date of it, but it says '91 and that is all you can make out of it.

66 Q:-Give the figures as they appear in the letter Mr. Reynolds?

A:-The figures showing the date?

67 Q:-Yes sir? A:-Well it is here "December 3rd" and then there is a "16-91" That is the way I make it.

68 Q:-Would not that stand for the third month and the sixteenth day, -you said "December 3rd" Mr. Witness and I want to call your attention specifically to that and see if it does not stand for the third month and sixteenth day?

Counsel for the defendants objects to the question asked the witness on the ground and for the reasons above set forth, and for the additional reason that it is leading.

A:-Well if I read that right it says "Independence".

69 Q:-So that the heading of the letter is Independence 3-16-91? A:-Yes sir, I presume that is it, but it don't say the date of the month or what it is, but I presume that is what it is.

70 Q:-Did you receive it about the date it bears, -did you receive that letter somewhere about the date that it bears? A:-I could not tell you about that.

71 Q:-Well did you receive it about the date it bears?

A:-I say I could not tell you about that.

72 Q:-Look at this letter marked exhibit "200" and state whether or not you received that about the date it bears? A:-Well it says "Independence", and I take that to be the "third" and the other "30-91."

73 Q:-Well that date would indicate, would it or would it not indicate that it was written at Independence on the third ~~XXXXXXXXXX~~ month and thirtieth day of the month in 1891? A:-Well I would not be positive about that, for it might be the third month and the third day in the month, -I mean it might be the third month and not the third day.

74 Q:-Well it is immaterial I take it for they show for themselves. I will ask you if you were a member of the same religious organization with C.A.Hall, at the time that you received these letters?

Counsel for the defendants objects to the question asked the witness

for the reasons and on the grounds above set forth.
A:-Yes sir.

75 Q:-You both at that time belonged to the same religious organization? A:-Yes sir.

76 Q:-What was the title of that organization? A:-The "church of Christ" commonly called the "Hedrickite Church".

77 Q:-Did you have any correspondence with Mr. Hall with reference to mortgaging what is known as the "temple lot" or property, -the property that is now in controversy in this suit?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal and leading.

A:-Yes sir.

78 Q:-Were the letters to which your attention has been called, -were these letters, or some of them with reference to that subject?

Counsel for the defendants objects to the question asked the witness on the grounds and for the reasons above set forth.

A:-Yes sir.

79 Q:-There was some correspondence to that effect passed between you as evidenced by these letters? A:-Yes sir.

80 Q:-Mr. Hall wanted to mortgage it? A:-Yes sir.

81 Q:-Who did he want to mortgage it to? A:-What is that?

82 Q:-Who did he want to mortgage it to if you know?

Counsel for the defendants objects to the question asked the witness for the reason and on the grounds that it is incompetent, irrelevant and immaterial and not proper rebuttal not the best evidence, and leading.

83 Q:-Who did Mr. Hall want to mortgage this property called the "temple lot" to, if you know? A:-Well I understood from his letters that he wanted to raise money on these lots, and he wanted to mortgage them to somebody to get the money, and I understood, -he never told me anything about it, but I understood that he wanted, -

84 Q:-Well state just what you know about it and nothing else? A:-Well sir, all I know about it is what these letters say, -that is all I know about it, and they will speak for themselves, for they are here.

85 Q:-That is all you know about it? A:-Yes sir, that is all I know about that.

86 Q:-Well sir, I guess they are the best evidence of what their contents are. Now sir, look at that letter and state if that is one of the letters you received from ~~XXXXXXXXXX~~ C.A. Hall? A:-Yes sir, yes sir, that is one of the letters I received from him.

The letter above referred to is hereupon marked exhibit "202" in accordance with request of counsel for plaintiff.

87 Q:-What is the date of that letter, -read the date?

A:-It says "Independence, 8-II-90".

88 Q:-Look at the letter I now hand you and state to the reporter whether or not that is a letter you received from C.A. Hall sometime in 1890 or '91? A:-Yes sir.

89 Q:-What is the heading or date of that letter? A:-It is headed "Independence 6-17-90". I don't know what month that is or anything about it in that way. Whether he has reference to the date of the month or the month, or which is which, or anything about that I can't tell from the way it is written.

90 Q:-From whom did you receive that letter? A:-Yes sir.

91 Q:-I asked you who you received that letter from? A:-From C.A. Hall.

The letter above referred to and identified by the witness, in accordance with the request of counsel for the plaintiff is marked exhibit "203".

92 Q:-You received that from C.A. Hall, one of the defendants in this case? A:-Yes sir.

Counsel for the defendants objects to the question asked the witness and the answer of the witness thereto on the ground and for the reason that it is incompetent irrelevant and immaterial, and not rebuttal evidence and calls for an opinion of the witness.

93 Q:-I can't see that it calls for an opinion of the witness, -it calls for the plain, bare, bald fact. Now the witness Hill in his testimony given in this case for the defendants, testified that there was no effort made, nor any proposition made or adopted or considered by the church, of which he was a member, looking towards the dressing of the members in the same same dress, -that is dressing the men all alike and the women all alike. Now what do you know about that?

By Mr. Southern, -"Now just wait a moment on that, -that is objectionable for the same reasons that the other questions were objected to, and it is objectionable on another ground, -that is a statement of what the witness Hill testified to is made in the question asked by the attorney for the plaintiff which is objectionable, and for another reason it is objectionable for the witness Hill was his own witness on that proposition when he was on the stand, and no one can be permitted to impeach his testimony or his ~~own~~ own witness, and for these reasons the question asked the witness is objected to."

By Mr. Kelley, -"Let the record show that the plaintiff denies that they are disputing their own witness, and are not attempting to do so, and do not propose to attempt any such a practice, and deny also that the witness Hill was their witness on that or any other proposition regarding which he testified, but on the contrary affirm that he was the witness of the defendants, and was put on the witness stand as the witness of the defendants, and that his examination by the plaintiff was only legitimate cross examination, and that the witness Hill testified substantially as detailed in the question asked this witness to which counsel for the defendants objects."

By Mr. Southern, -"Let the record show that the statement of the attorney for the plaintiff is wholly improper in this case."

By Mr. Kelley, -

94 Q:-Answer the question Mr. Witness? A:-What is the question?

95 Q:-The witness Hill when giving his testimony on behalf of the defendants, testified substantially that there was no effort made, nor any proposition made or adopted or considered by the church, of which he was a member and is now a member, looking towards the dressing of the members of that church in the same dress, -that is the women dressed in one uniform pattern of dress, and the men all being clothed in an uniform pattern of dress as regards color, quality and texture? A:-Well I might say that I don't know hardly anything about that of myself.

96 Q:-Well then don't make any statement about it sir?

A:-Well I cannot say that I do know much about it.

97 Q:-Did you receive any communication from Mr. Hall with regard to that question amongst others? A:-I think I have.

98 Q:-Well do you know whether you did or not? A:-Well I say I have, but I ain't positive about that.

99 Q:-Well if you ain't positive about that either you need not testify about it.

A:-Well I can't remember about that.
 I00 Q:-C.A.Hall was the presiding officer of the branch at that time was he not,-the branch here at Independence,I mean?

By Mr.Southern,-"That question is objected to for the reasons above given in the objection above set forth and for the additional reason that the question is leading."

By Mr.Kelley,-
 I01 Q:-Was C.A.Hall the presiding officer of the branch here at Independence at that time? A:-I think he was.
 I02 Q:-Well was he? A:-Well he professed to be.

I03 Q:-At that time? A:-What time?

I04 Q:-The time that these letters were written to you?
 A:-Yes sir.

By Mr.Southern,-"I would like it if the witness would undertake to specify what he knows and nothing else."

By Mr.Kelley,-
 I05 Q:-Well that is what he is doing as I understand it. I hand you now exhibit "201" and ask you to read to the reporter,commencing at the first word in the twelfth line from the top and read the balance of the letter? Commence there at that place (indicating the place witness is desired to commence reading at)

By Mr.Southern,-"That question is objected to for the reason that it is improper for the reasons already assigned as against like questions."

A:-Do you want me to read it?

By Mr.Kelley,-
 I07 Q:-Yes sir? A:-"The question we are talking about now is pride in dress. Dress plain, and we have about concluded to come to an equality in dress. That is all the news",---No that is not right, it is,---"all the men and boys will have their clothes made of the same kind of cloth in the same style, and all the women and girls have their dresses made out of the same kind of cloth and in the same style and to be very plain. We have concluded from a careful examination of the word of God, and by much fasting and prayer that unity cannot be obtained unless we all cast aside our pride and become equal in dress to start with, and in all other things as soon as the Lord will open up the way. Let us know what you think of this. May the Lord bless and prosper you is my prayer in Christ. C.A.Hall."

By Mr.Southern,-"I move to strike from the record all that has been read by the witness from the letter, and all prior examination, because it is not in rebuttal, and is not based upon any issue involved in this case, and because it is a violation of every rule known to the law in an examination of a witness."

By Mr.Kelley,-
 I08 Q:-I will ask you now Mr.Witness, if about this time,- I mean about the time of the date of this letter, or shortly afterwards,-what the fact is about a number of the members of that organization withdrawing or leaving the church?

Counsel for the defendants objects to the question asked the witness for the reasons above set forth.

A:-What do I know about it?

I09 Q:-Yes sir, what do you know about that fact, if it is a fact? A:-Do you want me to state what I know about it?

I10 Q:-Yes sir? A:-What church,-members of what church?

I11 Q:-I mean the members of the Hedrickite branch of the Mormon church, so called? A:-Yes sir, I understand now what you mean.

I12 Q:-Well go on and answer the question then?

A:-You have reference

to what I read there, have you not, -what I read from that letter. Is that not what you refer to?

113 Q:-What is that? A:-You want to know in reference to what I read there from that letter, do you not?

114 Q:-Yes sir? A:-And about members leaving the church on account of that matter?

115 Q:-Yes sir?

Counsel for the defendants objects to the question asked the witness for the reasons above set forth.

A:-Well it was indicated to me by letter as I have read it here, and in that and other ways I learned that there was some question about this matter in the church, and so I wrote to other members of the church and asked them what it was, and they stated the case to me, and said it was about the matter of dressing, and they objected to it and would not conform to it and did not think it was right according to the law of God.

116 Q:-The question is whether or not a number of them withdrew from the church on that account?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason as set forth in the last objection specifically set forth.

A:-Yes sir.

117 Q:-They withdrew from the church on that account?

A:-Oh certainly.

118 Q:-Name the parties if you can that went out of the church because of the rule on dress?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal.

A:-Well there was several of the Haldemans. My recollection of the names is poor, but there was several of the Haldemans, -and let me see, -I will have to study a little over these names for there was more than them went out on that account. There was a man that married a Haldeman, and I forget what his name is now.

By Mr. Southern, -

119 Q:-Well don't state it unless you know? A:-I won't unless I can think of it. I know it if I could only think of it, but it seems I can't do that. Well there was several of them left on that very account.

By Mr. Kelley, -

120 Q:-Well what about Franklin and his wife? A:-What is that?

121 Q:-What about Franklin and his wife?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal.

A:-Well they left on the same principle, because they could not conform to it.

122 Q:-What did Mrs Granville Hedrick leave for, if you know?

Counsel for the defendants objects to the question asked the witness for the reasons above set forth.

A:-Well she called Hall an imposter and they turned her out of the church on that account.

123 Q:-Do you know that? A:-No sir, that is only what I learned.

By Mr. Southern, -"Well now I see that. I ask that the witness be instructed to testify only to what he knows of his own knowledge."

A:-Well Mr. Hall won't deny that.

I 24 Q:-Well let us see if he will? A:-Well he won't.

By Mr. Kelley,-

I 25 Q:-Were you an officer in the church at that time?

A:-Yes sir.

I 26 Q:-What office did you hold? A:-I held an eldership.

I 27 Q:-It was a part of your duties as an elder to know what was going on was it not?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper rebuttal and calls for an opinion of the witness, A:-I thought I ought to have that right. I had to see that the law was kept and of course I could not see that the law was being kept unless I knew something about it.

I 28 Q:-I offer now from exhibit "200" commencing at the word "we" in the fifth line from the bottom of the first page, as follows "we are aware that mistakes have been made and we may even now be mistaken in some things, but we are trying to correct every mistake as fast as we find them out, but we are not satisfied that Granville made a mistake in advocating an organization on the basis of the revelation given to the Twelve on priesthood. That revelation was not given until 1835, but it was in the first edition of the D. & C.,-"

By Mr. Southern,-"Before this revelation continues any farther the defendants desire to interpose an objection. The defendants object to it for the same reason given in the last objection, and for the further reason that the reading from an exhibit of the nature of the one from which the counsel for the plaintiff is now reading, is not sustained by any rule of proper examination in chief, or cross examination. Now if you desire to proceed subject to that objection you may do so." "Wait a moment,-the defendants object to these letters marked "200" "201" "202" "203" I believe that is the numbers,-at any rate I refer to all the letters alleged to be written by C.A. Hall on the ground that they have not been properly identified."

By Mr. Kelley,-

I 29 Q:-I believe the last words I was reading were "there was no date when it was given, and the church has made the mistake for years in thinking that it was given before 1834, or before Joseph fell. I examined the history some time ago and found out just when it was given, and told the brethren, but some did not like to give it up, even when they knew it was given after Joseph fell, but some of us have laid it aside as unreliable, and are not going to build on that or any revelation that was given after Joseph fell, and in consequence of some of the revelation being changed that were given before February 24th 1834, we have to be very careful how we receive them. We have been trying to get a correct understanding of the law, and the time is not very far distant when the work of this church will be either approved by God pouring out his Spirit in power upon us, and giving us an endowment of the Holy Ghost, and give us power and authority to set these things in order, or we will be moved out of the way. "evidently the word "be" has been left out for it should read to make sense "we will be moved out of the way" but it reads "we will be moved out of the way" and it goes on "as unprofitable servants. To whom much is given much is required, and we must do something instead of talking so much, if we are going to come out from under condemnation. We are not going ahead much yet. We are trying to gain the ground lost in the early days of the church and when we get back to the law and order given in 1830 & '31

then we may expect to start on towards perfection. We are glad that the same spirit is working with you that seems to be moving us to greater efforts. We are warned that the enemy will try to cause division and contention in our coming conference. Pray that truth and right may triumph over error and wrong doing, and we will remember you. Your brother. C.A. Hall."

By Mr. Southern,—"I move to strike out from the record for incompetency, -to strike out the foregoing reading by the attorney for the plaintiff from the record for incompetency, and for the other reasons above stated."

By Mr. Kelley, -I30 Q:-I now offer in evidence from exhibit "200" commencing at the word "we" in the fifth line from the bottom of the page one, and leave it with the reporter, -all of the letter I leave with the reporter to copy into the record?

Counsel for the defendants objects to the offer of proof for the reasons above set forth.

The letter marked exhibit "200" above offered in evidence, is in words and figures as follows, -
Independence. 3-30-91.

C.E. Reynolds and Wife.

Dear Brother and Sister, -Your letter received and read to the brethren. You will find the word amen used often in the middle of a revelation. That does not of necessity end a revelation, as it is often used at the end of a paragraph or subject. I have a book of commandments and find there are some changes, but as I said before in writing about the Evening and Morning Star the changes are all in our favor. We are aware that mistakes have been made, and we may be even now mistaken in some things, but we are trying to correct every mistake as fast as we find them out. We are satisfied that Granville made a mistake in advocating an organization on the basis of the revelation given to the 12 on priesthood. That revelation was not given until 1835, but it was in the first edition of the D. & C., and this was not dated when it was given, and the church has made the mistake for years in thinking that it was given before 1834, or before Joseph fell. I examined the history some time ago, and found out just when it was given, and told the brethren, but some did not like to give it up, even when they knew it was given after Joseph fell, but most of us have laid it aside as unreliable, and are not going to build on that or any revelation that was given after Joseph fell; and in consequence of some of the revelations being changed that was given before Feb. 24th 1834, we have to be very careful how we receive them. We have been trying to get a correct understanding of the law, and the time is not far distant when the work of this church will be either approved by God pouring out his Spirit in power upon us and giving us an endowment of the Holy Ghost, and give us power and authority to set these things in order, or we will be moved out of the way as unprofitable servants. To whom much is given much is required and we must do something instead of talking so much if we are going to come out from under condemnation. We are not going ahead much yet; we are trying to regain the ground lost in the early days of the church, and when we get back to the law and order given in 1830 and '31 then we may expect to start on towards perfection. We are glad that the same spirit is working with you that is moving us to greater efforts. We are warned that the evil one will try to cause contention and division in our coming conference. Pray that truth and right may triumph over error and wrong doing, and we will remember you. Your Br. C.A. Hall.

ISI Q:-We now offer exhibit "202" commencing on page one at the top, down to and including the word "Utah" on page four of said exhibit and ask that the reporter copy same in the transcript?

By Mr. Southern,-"That is objected to for the reasons given and applied to the other so-called exhibits offered and read in evidence"

Exhibit "202" offered ~~XXXXXXXXXX~~ in evidence is in words and figures as follows, to wit,-

Independence, 8-II-90.
Dear Brother and Sister Reynolds,-I received your letter tonight, and will try and explain if I can, how the matter stands.-First, I want to ask you to be very careful and not let any of the Josephites read any of my letters to you, for if you are not aware of it, some of us know by experience, that the Josephites are the worst enemies we have got, and have tried their best to run us down, and get what little we have got, and if you will read the Truth Teller, you will see how they misrepresented and and done all they could to stop the work; on the other hand the Utah people have sent us money to help pay the taxes, and never tried in any way to injure us, and it was prophesied years ago that we would get our strength from the people of Utah, and I believe the time is not far off when we can if we will, receive the strength we need to enable us to publish to the world our position and expose false doctrines. You have written several times that we ought to make an effort to do this, and we feel just as you did that these false doctrines must be exposed and the truth advocated, but how was it to be done. We have had our hands full to pay the taxes; only a few have done anything to help, and we will be forced to mortgage the temple lot to those who are our enemies, if we have to make any improvements which will have to be made before another year. This was revealed to me at the time the revelation was given when I met you, but I would not tell any one about it. I wanted the Lord to reveal it through some one else and I thought I would work hard and encourage the others to work, and we would raise money in that way to do the printing, but the Lord sent an affliction upon me. I never suffered so in my life, and as I was praying and asking the Lord why I had to suffer so and why I could not get relief, it was made known to me that I had done like Jonah and that I must repent and make known to the church what had been revealed to me, and I promised the Lord that I would do my duty, and I began to get well. I have now recovered so I am as well as ever. I made the matter known to the church and we all made it a matter of fasting and prayer, and the Lord gave us a strong testimony through one who had declared that they would never vote in favor of borrowing money on the temple lots, that it was of the Lord; and now Bro. and Sr. Reynolds, the Lord has given us instructions by his Spirit to use his property to carry on his work, and the way for all the saints to do is to make it a subject of fasting and prayer, that the Lord will direct you in the right in this matter. I do not want to influence you, I want the Lord to direct us individually and collectively, and then I know all will be well. We would not think of taking this step in our wisdom(???). Now, nothing but the direction of the Spirit of God would get me to consent to take this step, but we all feel that the Lord has a right to do as he thinks best with his property. There is one thing more,-if we get the money where we expect to, it will be to their interest to defend the property, and it will have to be defended one of these days, and it will take money and a lot of it. We think we can see the wisdom of God manifest in this matter(???) for it will be the means of preserving that property and also of getting our position before the people in Utah." ISI Q:-I will leave the whole of exhibit "202" with the reporter ~~XXXXXXXXXX~~ so that it can be filed as an exhibit in this case along with the

other exhibits.

By Mr. Southern,—"Let the objection be noted as made by the attorney for the defendants to the reading of what purports to be an exhibit by the attorney for the plaintiff or to its being incorporated in the record by the Notary or being copied by the Notary, and the further objection is made that the exhibit in question has not been properly identified, and that the matter of it is not material to any issue in this case, and not relevant to any issue in this case, and that it is not such matter as can be properly introduced in rebuttal.

By Mr. Kelley,—"

132 Q:—"I offer now from exhibit "203" commencing at the word "the" in the seventh line from the top on the first page, down to and including the word "council", in the fifth line from the top of page two?

By Mr. Southern,—"The same objection as last before noted is made to this offer, and the further objection is made that no partial reading or extract from an alleged letter is permissible."

By Mr. Kelley,—"

133 Q:—"The part offered is as follows,—"I will ask the Notary to incorporate it in the record?

The part of exhibit "203" offered in evidence is in words and figures as follows,—"The printing of the book of Mormon, and continuing of the Morning and Evening Star is the work referred to. This must not go to any of the Josephites, as the Lord has kept these things from the wise and prudent and revealed them unto babes. The book of Mormon is to be printed in a cheap edition so as to be sold for fifteen or twenty cents apiece, so that every one can afford to buy one, and if we continue the paper that was printed here in 1832 and 1833, under the same name, we will have more grounds to claim we are the original church ordained on the 6th of April 1830. The work of the committee(???) will of necessity have to consider the book of Doctrine and Covenants, and I am satisfied we cannot accept all of the first edition. We must be consistent, and I think before we get through that all will see that it was very necessary for such a work to be done as is contemplated by the council."

134 Q:—"That last word in the part I have offered I referred to as "council", and I don't know whether it is "council" or "committee", but assume that it is meant for one or the other. I think the word is meant for "committee", but Mr. Hall's writing is like the writing of a good many more of us,—"hard to decipher."

Counsel for the defendants objects to any part of any of these exhibits being offered or read in evidence, unless the whole of them are read, and insists that such a practice is not permissible under any rule of evidence regulating direct or cross examination, and that it is not proper rebuttal.

135 Q:—"I will read the portion of this exhibit I have offered, and asked the Notary to copy into the record (counsel hereupon reads that part of exhibit "203" as above set forth, and makes the following statement). "Now Mr. Reporter, in offering the parts of exhibits "200" "201" "202" "203" counsel for the plaintiff states that he has read all the parts of the letters referred to, that in any manner refer to the ~~XXXXXXX~~ matter in controversy, or that they claim is legitimate rebuttal for their case, and the plaintiff has no objection to the whole of the exhibits referred to,—"all of the exhibits shall go in as a whole, and if counsel for defendants now claims they should go in plaintiff offers each and every exhibit as a whole."

By Mr. Southern,—"The statement of plaintiff's counsel is

objected to on the ground that it is not a proper statement to be made in this case.

By Mr. Kelley,—"I desire this further statement to be made Mr. Reporter that I have offered from these exhibits such parts as I thought were legitimate rebuttal in order to avoid encumbering the record, and for no other purpose. We have no disposition or intention or desire to cut out any word, sentence or syllable in any of the exhibits so offered, and if counsel for defendants wants them to go in the record as a whole, I now cheerfully introduce them as a whole.

By Mr. Southern,—"We have no objection to them further that I have already stated, and because they are objectionable on every ground under which an objection could be raised."

By Mr. Kelley,—"Incorporate the whole of them into the record Mr. Reporter."

The exhibits referred to marked "200" "201" "202" "203" are in words and figures as follows, to wit,--

Exhibit 200,-- Independence, -3-30-91

C. E. Reynolds and Wife.

Dear Bro. and Sr.,--Your letter received and read to the brethren. You will find the word amen used often in the middle of a revelation; that does not of necessity end a revelation, as it is often used at the end of a paragraph or subject. I have a book of commandments, and find there are some changes, but as I said before in writing about the Evening and Morning Star, the changes are all in our favor. We are aware that mistakes have been made, and we may be even now mistaken in some things, but we are trying to correct every mistake as fast as we find them out. We are satisfied that Granville made a mistake in advocating an organization on the basis of the revelation given to the 12 on priesthood. That revelation was not given until 1835, but it was in the first edition of the D. & C. and there was no date when it was given, and the church has made the mistake for years in thinking it was given before 1834 or before Joseph fell. I examined the history some time ago, and found just when it was given and told the brethren, but some did not like to give it up, even when they knew it was given after Joseph fell, but most of us have laid it aside as unreliable and are not going to build on that or any revelation that was given after Joseph fell, and in consequence of some of the revelations being changed that were given before Feb. 24th 1834, we have to be very careful how we receive them. We have been trying to get a correct understanding of the law, and the time is not far distant when the work of this church will be either approved by God pouring out his Spirit in power upon us, and giving us an endowment of the Holy Ghost, and give us power and authority to set these things in order, or we will moved out of the way as unprofitable servants. To whom much is given much is required, and we must do something instead of talking so much, if we are going to come out from under condemnation. We are not going ahead yet. We are trying to regain the ground lost in the early days of the church, and when we get back to the law and order given in 1830 and '31 then we may expect to start on towards perfection. We are glad that the same spirit is working with you, that seems to be moving us to greater efforts. We are warned that the evil one will try to cause division and contention in our coming conference. Pray that truth and right may triumph over error and wrong doing, and we will remember you. Your Bro. C. A. Hall."

Exhibit "201" is in words and figures as follows,-- Independence, 3-16-91.

C. E. Reynolds and Wife,--

letter and was glad to hear that you were

well, and interested in the work that we are all engaged in. Sr. Hill is quite sick now. I got my eye hurt in the shop and have not been able to work since the 28th of Dec. but I am about well now. The rest of the saints are well as far as I know. Geo. Hunter has withdrawn from the church. Bro. Frisby and Hill have been depending on me to write & so have neglected to write to you, but they have not forgotten you or lost their interest in your welfare. The mission work is progressing very favorably. 3 have been baptized and quite a number are near the kingdom. The brethren report they feel well, and the Lord is blessing them in their efforts, and they do not want ~~want~~ for any thing needful. Bro. Cole will come back about the first of April. *The rest will continue on the work.* *Some of the Guardians* In regard to the revelations in the book of covenants, we are aware there are many(?) things that are not correct. I have had the privilege of comparing the revelations in the D. & C. with those published in the Evening and Morning Star printed in Independence in 1832 & 1833 and find some very important changes have been made, but the changes are all in our favor. I have the corrections, and when we get able to have our own church books we will print the revelations as they are in the Evening and Morning Star. I do not think we are trying to practice or teach anything contrary to the book of Mormon. The question we are talking about now is pride and dress plain. We have almost concluded to come to an equality in dress; that is all the men and boys will have their clothes made of the same kind of cloth and in the same style, and all the women and girls have their dresses made out of the same kind of cloth and in the same style and be very plain. We have concluded from a careful examination of the word of God and by much fasting and prayer that unity cannot obtain unless we will cast aside all pride and become equal in dress to start with and in all other things as soon as the Lord will open up the way. Let us know what you think of this. May the Lord bless and prosper you is my prayer. Your brother in Christ.

C. A. Hall."

Exhibit "202" is in words and figures as follows, -
Independence, 8-II-90.

Dear Bro. & Sr. Reynolds, -

I received your letter to night and will try and explain if I can, how the matter stands. First, I want to ask you to be very careful and not let any of the Josephites read any of my letters to you, for if you are not aware of it, some of us know by experience, that the Josephites are the worst enemies we have got, and have tried their best to run us down and get what little we have got. If you will read the Truth Teller you will see how they misrepresented and done all they could to stop the work. On the other hand the Utah people have sent us money to help pay the taxes, and never tried to injure us, and it was prophesied years ago that we would get our strength from the people of Utah, and I believe the time is not far off when we can, if we will, receive the strength that we need to enable us to publish to the world our position and expose false doctrines. You have written several times that we ought to make an effort to do this and we felt just as you did, that these false doctrines must be exposed and the truth advocated; but how was it to be done. We have had our hands full to pay the taxes. Only a few have done anything to help, and we will be forced to mortgage the temple lots to those who are our enemies, if we have to make any improvements, which will have to be made before another year. This was revealed to me at the time the revelation was given which I sent you, but I would not tell any one about it. I wanted the Lord to reveal it through some one else, and I thought I would work

expect to attend the conference on the 6th of April.

hard and encourage the others to work, and we would raise money in that way to do the printing, but the Lord sent an affliction on me. I never suffered so in my life, and as I was praying and asking the Lord why I had to suffer so, and why I could not get relief, it was made known to me that I had done like Jonah, and that I must repent and make known to the church what had been revealed to me, and I promised the Lord I would do my duty, and I began to get well, and have now recovered so I am as well as ever. I made the matter known to the church, and we all made it a subject of fasting and prayer, and the Lord gave a strong testimony through one who had declared that they would never vote in favor of borrowing money on the temple lots, & that it was of the Lord, and now Bro. and Sr. Reynolds, the Lord has given us direction by his Spirit to use his property to carry on his work; and the way for all the saints to do is to make it a subject of fasting and prayer, and that the Lord will direct you in the right in this matter. I do not want to influence you. I want the Lord to direct us individually and collectively, and then I know all will be well. We would not think of taking this step in our wisdom(?). Nothing but the direction of the Spirit of God would get me to consent to taking this step but we all feel that the Lord has a right to do as he thinks best with his property. There is one thing more, - if we get the money where we expect to, it will be to their interest to defend the property, and it will have to be defended one of these days, and it will take money and a lot of it. We think we can see the wisdom of God manifest in this move(?) for it will be the means of preserving that property, and also of getting our position before the people in Utah, and many of them will come out of the evil practices and return to Zion with songs of everlasting joy. I have received all your letters I think and thought I answered all your questions. Your last letter I cannot find so you will have to send me the questions again, and I will try and answer them. I have been very busy, - had to write to quite a number, and may have overlooked many things, but will try and be more careful in the future. Most of the saints are well. Sr. Annie Young is very sick now, and some think she will lose her mind. We have a special conference next Saturday at 2 P. M. to act on this matter. We are moving very careful in this matter. May the Lord help you to see aright and strengthen you in every good work is the prayer of your brother.

C.A. Hall.

Exhibit "203" is in words and figures as follows, to wit,

(On the margin of exhibit "202" - page 4, - appears the following, - "As soon as you are satisfied send us your vote for or against what is proposed.")

Exhibit "203"

Independence. 6-19-90.

C.E. Reynolds and Wife, -

Dear Bro. and Sr., - As I have a little time I thought I would write a few lines and answer some of your questions. We have had some trouble in executing the law, but everything is working out all right. George and Melissa have their case settled. The printing of the book of Mormon and continuing of the Morning and Evening Star is the work referred to. This must not go to any of the Josephites, as the Lord has kept these things from the wise and prudent, and revealed them to babes. The book of Mormon is to be printed in a cheap edition, so as to be sold for 15 or 20 cents apiece, so that every one can afford to buy one, and if we continue the paper that was printed here in 1832 and 1833 under the same name, we will have more grounds to claim we are the original church ordained on the 6th of April 1830. The work of the commit-

tee will of necessity have to consider the book of Doctrine and Covenants, and I am satisfied I cannot accept all of the first edition. We must be consistent, and I think before we get through that all will see that it was very necessary for such a work to be done as is contemplated by the committee. The saints are most all well. I have been sick for a day or two from over-work, but think I will be able to go to work tomorrow again. Well this is all of importance I can think of now. Hoping and praying that we will all be led by the spirit of truth, I remain as ever, your brother.

C. A. Hall.

By Mr. Kelley, -

I36 Q: -In one of the exhibits that I have introduced Mr. Reynolds, being the letters of C. A. Hall to yourself and wife, there is a statement in which he says he sent you a revelation? A: -Yes sir.

I37 Q: -Have you that revelation? A: -I don't recollect whether he sent it or not.

By Mr. Southern, - "That question and answer is objected to on the ground that it is not proper rebuttal as it does not tend to rebut any of the issues in this case, and on the further ground that it is incompetent irrelevant and immaterial, and not justified by any rule of examination either direct or cross."

By Mr. Kelley, -

I38 Q: -You state that you do not know whether he sent it to you or not? A: -Yes sir, and I don't think that he says there that he sent it. It is asserted there in the paper that he intended to send it to me if I recollect the reading of the letter right, -I think he said that he intended to send it to me.

I39 Q: -Well he said that he sent it to you, but that is immaterial, -have you that revelation in your possession? A: -No sir.

I40 Q: -You have not? A: -I don't think I have.

I41 Q: -Well that is all. Take the witness.

Cross examination by Mr. Southern, -

I42 Q: -To what church do you belong? A: -The church of Jesus Christ of Latter Day Saints.

I43 Q: -When did you become a member of the church of Jesus Christ of Latter Day Saints? A: -When did I become a member of that church?

I44 Q: -Yes sir? A: -I can't give you the date.

I45 Q: -About when did you join it? A: -I can tell you I ~~was~~ used to belong to the old organization.

I46 Well I asked you about the church that you now belong to, -when did you become a member of it? A: -Well I joined it about two years ago or a little over.

I47 Q: -What church are you a member of? A: -The church of Jesus Christ of Latter Day Saints.

I48 Q: -That is the church you belong to? A: -Yes sir. Sometimes it is called the re-organized church, -and I might say that I am a member of the re-organized church of Jesus Christ of Latter Day Saints as it is called.

I49 Q: -Well that is the church you belong to? A: -Yes sir.

I50 Q: -The church that is the plaintiff in this case? A: -Yes sir.

I51 Q: -When did you say you became a member of that church? A: -Two years ago or a little over. That was the time I joined it.

I52 Q: -What church did you belong to just before that? First I will ask you this question, -were you baptized? A: -Yes sir, I was baptized.

I53 Q: -When? A: -I was baptized in ~~1838~~ 1840.

I54 Q: -Were you baptized when you joined the re-organized church?

A:-Yes sir.

I55 Q:-About two years ago? A:-Yes sir, some where ^{near} that as well near as I can recollect.

I56 Q:-Then you joined the re-organized church of Jesus Christ of Latter Day Saints? A:-Yes sir.

I57 Q:-To what church did you belong just prior to that? A:-I belonged to what is called or known as the "Hedrickite Church" just before that.

I58 Q:-At what time did you join it? A:-Well I joined it about the time of the first rise of it, but they cut me off after a while.

I59 Q:-They cut you off from that church? A:-Yes sir, after I had joined it awhile they cut me off from that church because I would not consent to some things they were doing, and I was cut off for some time, and two years ago or a little over they concluded to receive me back into it again.

I60 Q:-They cut you off and then concluded to receive you back again? A:-Yes sir.

I61 Q:-What branch was it they cut you off of? A:-Well it was, -Hall was the leader of it at that time.

I62 Q:-When was that? A:-Well I can't tell you the date exactly. I can't give you the date as to the exact time but it was between two and three years ago any way. I guess it is on record and the date can be shown in that way.

I63 Q:-What do you mean by coming back and being "cut off"? A:-Well I mean that they wouldn't, -the way, -that I would not endorse some things that they were transpiring or doing, and when, -the way that Granville Hedrick wrote up these doctrines was not approved by Hall, and I would not endorse any change in it, and then they cut me off or took my name off the record.

I64 Q:-When was that? A:-Well I can't give you the exact date of it.

I65 Q:-Was it in the life-time of Hedrick? A:-Granville Hedrick?

I66 Q:-Yes sir? A:-It was before he came here, -just before he came here.

I67 Q:-You don't understand what I am after, and I will put it this way, -when was the first time that you joined the Hedrickite church? A:-Well if you consider the branch that is now in existence, -if you call that the "Hedrickite church" or branch, it was about two years or a little over ago.

I68 Q:-Now to what church, if any, did you belong between the time you were cut off in the days of Hedrick, and the time you joined it a little upwards of two years ago? A:-Please state that question again, -I don't know as I understood it.

I69 Q:-To what church did you belong between the time when Hedrick had you cut off, and when you joined the church here a little over two years ago? A:-Well I stood upon the same position when I attached myself to the branch here as I did during that time. I don't know that I belonged to any church in particular, but I stood in the same position all the time.

I70 Q:-Well did you attach yourself to any branch in the meantime? A:-No sir.

I71 Q:-You did not? A:-No sir.

I72 Q:-Did you not belong to a branch of the re-organized church during that time? A:-In that time?

I73 Q:-Yes sir? A:-No sir.

I74 Q:-You did not? A:-No sir, I belonged to it afterwards.

- I75 Q:-You joined it afterwards? A:-Yes sir.
- I76 Q:-That is you mean to say that you joined the re-organized church afterwards? A:-Yes sir.
- I77 Q:-Well during the period when you were cut off from the Hedrickite church did you belong to the re-organized church? A:-I have told you I did not.
- I78 Q:-Well now state what time you joined the re-organized church? A:-Well I told you ^{first} before that I could not remember exactly the date, for I disremember.
- I79 Q:-Did you ever belong to it before you joined it the last time? A:-Yes sir.
- I80 Q:-You did? A:-Yes sir, I did.
- I81 Q:-Where? A:-In Illinois.
- I82 Q:-You joined first in Illinois? A:-Yes sir.
- I83 Q:-And then you joined again after that? A:-Yes sir.
- I84 Q:-So as a matter of fact you have joined the re-organized church twice? A:-Yes sir. That is so.
- I85 Q:-And how many times have you joined the Hedrickite church? A:-How many times have I joined what?
- I86 Q:-How many times have you joined the Hedrickite church? A:-Only once.
- I87 Q:-When was that? A:-Well I told you before that I did not know exactly the date of it.
- I88 Q:-You don't know then when you joined the Hedrickite ~~branch~~ branch? A:-No sir.
- I89 Q:-Was the last time you speak of since Hedrick's death? A:-Yes sir.
- I90 Q:-Well did you join it before his death? A:-Yes sir.
- I91 Q:-That is the Hedrickite branch? A:-Yes sir.
- I92 Q:-Well then have you not joined it twice? A:-Yes sir no sir, not the Hedrickite branch but the re-organized church.
- I93 Q:-Is it not a fact that you have joined the Hedrickite church twice and re-organized church twice? A:-Yes sir, that is so.
- I84 Q:-Well that is what I asked you? A:-I did not understand the question and that is the reason I answered as I did.
- I85 Q:-Well what other churches have you joined in your time, if any? A:-Well I don't recollect of any other.
- I86 Q:-Did you ever live here in Independence? A:-No sir, not to make my residence here, but I have lived in Jackson County here.
- I87 Q:-You have lived in Jackson County then? A:-Yes sir.
- I88 Q:-Whereabouts did you live in Jackson County? A:-Out here by Lee Summit, -three or four miles east of here.
- I89 Q:-Do you know or did you know the laws of the Hedrickite church as to dressing? A:-The laws as to dressing?
- I90 Q:-Yes sir, -as to dressing, -did you know the law in that regard? A:-Well you heard it in the letters read there.
- I91 Q:-Well was that the law of the church? A:-Well no sir, I don't know that it was particularly the law of the church. The law said to dress neat and plain, and that was the law given in the beginning of the church.
- I92 Q:-Is that the law of the Hedrickite church, to dress neat and plain? A:-That is what it states in his letters.
- I93 Q:-Well is that the law taught by Granville Hedrick? A:-Why he never taught much about it at all. He did not teach much about it I think.
- I94 Q:-He did not? A:-No sir, but the other records do, -the book of

Mormon speaks about plain and neat dress.

195 Q:-Well what does it say about that? A:-Well I don't know as I can quote its exact language, but it says to make their own clothes, that is they are to be the workmanship of their own hands, and they are to be plain and neat, and they had all kinds of fine material to make it out of, but if they made it plain why it was all right.

196 Q:-Is there any law of the church with reference to dressing plain that you know of? A:-Yes sir, I think there is.

197 Q:-Well that is all? A:-Now I want to state,-

198 Q:-Well I don't want you to state anything about it,-
By Mr. E. L. Kelley,-

192 Q:-Well ~~now~~ you can go on and state anything you please.

By Mr. Southern,-"Well I object to the witness stating anything further for it will not be in response to any question asked him.

A:-Well I believe people ought to be consistent,-I believe I have just as good a right to speak as you had to ask me questions, and say anything that is in answer to the questions.

200 Q:-Take all that down Mr. Reporter,-I want it all to go down.

By Mr. E. L. Kelley,-

201 Q:-Mr. Witness if you want to explain anything you have a perfect right to do so now. You are through with the witness are you not Mr. Southern?

By Mr. Southern,-"Take down the words of the attorney."

By Mr. Kelley,-"Yes sir, take it all down. I am not saying anything I do not want to see in the record."

202 Q:-Now Mr. Reynolds if there is anything you desire to explain with reference to any question that was asked you, you may now do so. That is any ~~question~~ thing you wish to explain in connection with any question that was asked you by the defendant's counsel?

By Mr. Southern,-"The permission given to the witness is objected to by the defendants, on the ground that the counsel for the plaintiff has no right to give such permission to the witness by reason of any authority conferred upon him by the position which he occupies as attorney for the plaintiff."

203 Q:-Mr. Reynolds go on and make any statement you desire to make in that connection (the foregoing question was asked by Mr. Kelley)

A:-State that question again please.

204 Q:-I say if there is any explanation you desire to make in connection with any question asked you by the counsel for the defendant,-if there is any thing you desire to explain in connection with his examination proceed and explain it?

Counsel for the defendants objects for the reasons above set forth.

A:-Well I will say this much,-I don't see the propriety,-

205 Q:-Wait Mr. Reynolds,-If you don't desire to explain any question that was propounded to you by Mr. Southern why we don't want you to say anything, for you have not any right to discuss a question with a counsel?
A:-Well I don't know that I have any thing particular to say sir.

206 Q:-Well that is all then?

By Mr. Southern,-"Mr. Reynolds if ~~the~~ the attorney for the plaintiff will give you permission you can stand aside."

By Mr. Kelley,-"Mr. Reporter, you need not put that down,-I know counsel for the defendant don't want it to go down."

By Mr. Southern,-"Put that remark down too,-put it all down."

"Now motion is hereby entered to strike all of the testi-

mony of this witness, and that it be not considered for the reasons assigned in the objections to the testimony as given."

By Mr. Kelley,—"That objection is over-ruled by the plaintiff's counsel."

By Mr. Southern,—"Put all that down, for I want it in the record."

It being impossible to complete the taking of the depositions herein on this day, by the consent of the parties hereto as aforesaid the further taking of the same was continued until Friday August 5th 1892 at the hour of ten o'clock in the fore-noon, to be continued at the place aforesaid.

Now on this 5th day of August 1892, at the hour of ten o'clock in the fore-noon, come the parties hereto as aforesaid, and the further taking of the depositions herein was proceeded with pursuant to adjournment.

Joseph Smith being sworn on the part of the plaintiffs in rebuttal, testified as follows,—"

Direct examination by P. P. Kelley,—"

I Q:—"For the purpose of showing the doctrine of the original church prior to the death of Joseph Smith the Seer, on the subject of secret oaths and covenants, I now hand the witness exhibit 'F' and ask the witness to read paragraph thirty of chapter two on page three hundred and ninety five?"

By Mr. Southern,—"That is objected to on the part of the defendants because it does not appear that the proposed testimony is in rebuttal, and because it is irrelevant and immaterial to any issues joined in the case."

By Mr. Kelley,—"

2 Q:—"You may read it Mr. Smith? A:—"Is it section thirty?"

3 Q:—"No sir, it is paragraph thirty of section two?"

A:—"And it came to pass that they did have their signs, yea their secret signs, and their secret words, and this that they might distinguish a brother who had entered into the covenant, that whatsoever wickedness his brother should do, he should not be injured by his brother, nor by those who did belong to his band who had taken this covenant; and thus they might murder and plunder, and steal and commit whoredoms, and all manner of wickedness contrary to the law of their country, and also the laws of their God; and whosoever of those ~~that~~ belonged to their band, should reveal unto the world of their wickedness and their abominations, should be tried, not according to the laws of their country, but according to the laws of their wickedness which had been given by Gadianton and Kishkumen. Now behold it is their secret oaths and covenants, which Alma commanded his son should not go forth to the world, lest they should be a means of bringing down the people unto destruction. Now behold these secret oaths and covenants did not come forth unto Gadianton from the records which were delivered unto Heleman; but behold they were put into the heart of Gadianton by that false being who did entice our first parents to partake of the forbidden fruit; yea that same being who did plot with Cain that if he would murder his brother Abel it should not be known unto the world. And he did plot with Cain and his followers from that time forth. And also it is that same being who put it into the hearts of the people to build a tower sufficiently high that they might get to heaven. And it was that same being who led on the people that came from that tower into this land; who spread the works of darkness and abominations over all the face of the land, until he dragged the people down unto an entire destruction, and to an everlasting hell; yea it is that same being who put it

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into the heart of Gadianton to still carry on the work of darkness, and of secret murder; and he has brought it forth from the beginning of man, even down to this time. And behold it is he who is the author of all sin. And behold he doth carry on his works of darkness and secret murder, and doth hand down their plots and their oaths, and their covenants and their plans of awful wickedness from generation to generation, according as he can get hold upon the hearts of the children of men. And now behold he had got great hold upon the hearts of the Nephites; yea insomuch that they had become exceeding wicked; yea the more part of them had turned out of the way of righteousness, and did trample under their feet the commandments of God, and did turn into their own ways, and did build up unto themselves idols of their gold and their silver."

4 Q:-I will now hand you exhibit "E" Mr. Smith, and ask you to read section fifty eight on page one hundred and eighty six?

Counsel for the defendants objects to the question asked the witness for the reasons above set forth in the last objection.

A:-Behold I say unto you that it is not expedient in me that ye should translate any more, until ye shall go to the Ohio; and this because of the enemy and for your sakes. And again I say unto you, that you shall not go until you have preached my gospel in these parts, and have strengthened up the church whithersoever it is found, and more especially in Colesville; for behold they pray unto me in much faith.

And again a commandment I give unto the church that it is expedient in me, that they should assemble together at the Ohio, against the time that my servant Oliver Cowdery shall return unto them. Behold here is wisdom, and let every man choose for himself until I come, even so Amen.

5 Q:-Read the heading to that revelation? A:-Revelation to Joseph Smith Jr, and Sidney Rigdon, given December 1830.

6 Q:-What translation do you understand from the history of the church is referred to in that revelation?

Counsel for the defendants objects to the question asked the witness on the ground and for the reason that it calls for an opinion of the witness.

A:-I understand it to be the scriptures.

7 Q:-What scriptures? A:-The bible.

8 Q:-The book of Mormon had already been translated?

A:-Yes sir, for the book of Mormon had been already published before that.

9 Q:-When was it published? A:-The book of Mormon?

10 Q:-Yes sir? A:-It was published in '29 or '30.

11 Q:-Now turn to section thirteen-paragraph fifteen, and read it, -that is in that same exhibit "E"? A:-Section thirteen-paragraph fifteen reads thus, -"Thou

shalt ask and my scriptures shall be given as I have appointed, and they shall be preserved in safety; and it is expedient that thou should hold thy peace concerning them, and not teach them until ye have received them in full. And I give unto you a commandment, that then ye shall teach them unto all men; for they shall be taught unto all nations, kindreds, tongues and peoples."

12 Q:-Have you read the whole of that? A:-Yes sir.

13 Q:-What is the date of that? A:-It is a revelation given February 1831.

14 Q:-Well to whom was it given? A:-It does not state here.

15 Q:-It does not? A:-Yes sir, -it says "Hearken Oh ye elders of my church", -it was given to the elders of the church. It is stated at the beginning "who have assembled themselves together", so it was given to the elders.

16 Q:-I will ask you Mr. Smith now, whether as a matter of

fact the translation of the scriptures was a work reserved, and whether they afterwards came into your possession? A:-Yes sir, they were, -pardon me for inquiring whether you refer to the inspired translation?

17 Q:-Yes sir? A:-Yes sir.

18 Well that work was preserved you say? A:-Yes sir.

19 Q:-How were they preserved, if you know? A:-That is, who kept them in possession, -who had possession of them?

20 Q:-Yes sir? A:-They were kept in the possession of my mother, -that is she had them in her possession as their custodian, until they were delivered by her to a committee of the re-organization for publication.

21 Q:-Who was that committee, if you remember? A:-It was Israel Rogers, Ebenezer Robinson and Joseph Smith if my memory serves me right. They were the members of the committee if I am not very much mistaken.

22 Q:-Into whose hands were they delivered? A:-Into my hands.

23 Q:-By whom were they delivered onto your hands? A:-By my mother.

24 Q:-Into your hands as the agent of the committee? A:-Yes sir, it was delivered to me for the committee by my mother.

25 Q:-Was it in manuscript? A:-Yes sir.

26 Q:-Was it published? A:-Yes sir.

27 Q:-Well was it published as it was received? A:-Yes sir.

28 Q:-What is that publication? A:-What is it called?

29 Q:-Yes sir? A:-It is called the "Holy Scriptures" the "Inspired Translation" it is usually called by us in referring to it.

By Mr. Southern, -"Mr. Kelley, when I get your attention as I do now, I want to say ~~XXXX~~ right here that we object to secondary evidence as to that manuscript. I maintain that the original manuscript is the best evidence, and so I ask that the secondary evidence be excluded.

By Mr. Kelley, -"Well I am not offering the manuscript."

By Mr. Southern, -"Well I understand that you are not, and that is what I object to, for I think you should offer it as it is the best evidence, and this evidence that you are putting in now is secondary evidence.

By Mr. Kelley, -"Well I don't want to offer anything, -that is not what I am trying to do. When I get ready to offer anything Colonel I will let you know, -but that is not what I am trying to do now."

By Mr. Southern, -"Well my objection will keep, so I will let it stand as it is."

By Mr. Kelley, -

30 Q:-Is that the same book Mr. Smith, that was introduced here and marked as an exhibit at the time that you were on the witness stand before?

31 Q:-It was introduced and marked as exhibit "D" I believe? A:-Yes sir.

32 Q:-How old were you at the time of your father's death? A:-He was killed in June, -on the 27th day in 1844, and I would have been twelve years old in the November following.

By Mr. Southern, -"Well that is objected to also because it is not a proper question in rebuttal."

By Mr. Kelley, -

33 Q:-Your father was killed on the 27 of June 1844, and you would be twelve, -you were twelve in the November following? A:-Yes sir.

34 Q:-You remember the time your father was killed? A:-Yes sir.

35 Q:-Where did your father live at the time of his death? A:-At Nauvoo.

- 36 Q:-He had lived there for several years before he died? A:-Yes sir, for a few years.
- 37 Q:-How long did he live there? A:-He lived in Nauvoo, Hancock County from the fall of '39 some time until the day of his death. That is it was his place of residence during all that time, but he was away occasionally on short visits.
- 38 Q:-And you lived there with him? A:-Yes sir.
- 39 Q:-Now did you live there in the family all of the time? A:-Yes sir, that was my home there with my father and mother.
- 40 Q:-Where were you at nights? A:-I slept in the room where my parents were, or in the room adjoining.
- 41 Q:-Well where did your father sleep when he was in the city? A:-He slept at his private house, known as the "Nauvoo Mansion" or hotel. We lived a part of the time in the old house, -the house built by Hugh White, purchased by my father, and after the mansion was built he lived there, -
- 42 Q:-Who did? A:-My father did, -after the mansion house was built he moved there, and lived there very nearly two years I think before his death.
- 43 Q:-Who slept in the room with him, and the room where the rest of the family slept? A:-I remember of no one but my mother, my brothers and myself, and sometimes an adopted sister when the house was crowded, for sometimes we had the house full of people or visitors.
- 44 Q:-Your father kept hotel did he? A:-He did the latter part of his life.
- 45 Q:-What part of the house was his sleeping room in? A:-It was in the private apartments.
- 46 Q:-And where were these, -the family's sleeping apartments with reference to his? A:-They were right together, for the children slept in the room adjoining their mother's and father's sleeping room.
- 47 Q:-Was there any means of communication between these rooms? A:-Yes sir, there was just an open door between them, -they were adjoining rooms with an open door between.
- 48 Q:-What was the custom and habit of your father in regard to prayers? A:-We always had family prayer, -evening and morning family prayer.
- 49 Q:-Was the family present at the evening and morning prayers? A:-Yes sir.
- 50 Q:-The whole family would be present? A:-Yes always.
- 51 Q:-Was there any woman by any name during the time you lived, -during the time your father lived in Nauvoo, or at any other time or place, that claimed to be his wife, aside from your mother? A:-Never to my knowledge sir, and I never heard of such a thing until some time after his death.
- 52 Q:-Was there anybody that stayed there around the house towards whom your father acted as his wife? A:-No sir.
- 53 Q:-You say you did not see anything of that kind? A:-No sir, I never saw such a thing in my life.
- 54 Q:-Who besides your mother, Emma, attended the funeral as one of the mourners? A:-As one of the family mourners?
- 55 Q:-Yes sir? A:-There was no one.
- 56 Q:-Was there not the members of the family? A:-Yes sir.
- 57 Q:-Well what lady attended other than your mother Emma? A:-No one in that capacity, excepting that the people came in and visiting the body, -

- to see my father after his death, -that is after the body was laid out in the room, -the people came to visit it, and they were all mourners, but my mother was the only woman there as a mourner in the capacity of a wife.
- 58 Q: -She was there and the family of course? A: -Yes sir.
- 59 Q: -And that was all? A: -Yes sir.
- 60 Q: -These people that came in there to view the body were simply members of the church and friends of the family? A: -Yes sir.
- 61 Q: -Do you remember a woman or girl by the name of Lucy Walker? A: -Yes sir, I knew her.
- 62 Q: -She was afterwards known as Lucy Kimball? A: -Yes sir.
- 63 Q: -Was she ever at your father's house there in Nauvoo? A: -She was at one time.
- 64 Q: -Well what was she doing there? A: -As a hired girl and going to school with the children.
- 65 Q: -With what children? A: -Myself, my brother and adopted sister. My father's family of children, such as they were.
- 66 Q: -Well that consisted of whom? A: -My adopted sister, my brother and myself.
- 67 Q: -What other occupation did she have there, if any? A: -None that I know of, except to occasionally do a little sewing.
- 68 Q: -Did she work for her board and go to school? A: -Yes sir.
- 69 Q: -Did you go to school with her at the time? A: -Yes sir, I did go to school with her.
- 70 Q: -How much older than you was she at that time? A: -Well she was some five and a half years older than I was. I think that was about it.
- 71 Q: -She was between five and six years older than you were? A: -Yes sir, and she kind of had charge of us children for she was older than we were.
- 72 Q: -How many children were there that she had charge of? A: -The four, -or three of us.
- 73 Q: -You were well acquainted with her? A: -Yes sir.
- 74 Q: -I will ask you whether or not your father ever treated Lucy Walker as his wife? A: -Never to my knowledge.
- 75 Q: -You say never to your knowledge, -do you mean by that that you do not know of it? A: -Yes sir, not to my knowledge did he ever treat her that way.
- 76 Q: -If he ever had done so, would you have known about it? A: -Yes sir, I would if it ever was anything that marked attention.
- 77 Q: -You had the opportunity of knowing? A: -Yes sir, as much as I could.
- 78 Q: -You did? A: -Yes sir, as much as anybody of that age could know in a house held as circumscribed as ours was.
- 79 Q: -Well just explain what you mean by "circumscribed"? A: -I mean that the household was not overly large and the members were known to every one in it and their whereabouts, and I knew every one that was in it at all times, -that is who were in the house, excepting the strangers that might be in it for the time being, -as we kept a hospitable house, -
- 80 Q: -How many rooms were in the house? A: -The Mansion house?
- 81 Q: -Yes sir? A: -Where father lived?
- 82 Q: -Yes sir. A: -Yes sir, -at the time of his death, there was six.
- 83 Q: -How long had your father lived there? A: -Before he died?
- 84 Q: -Yes sir? A: -Well I am not certain as to the exact time but it must have been nearly two years.

85 Q:-What house did he live in before he moved into the Mansion house? A:-It was a house that he bought from Hugh White.

86 Q:-How many rooms were there in that house? A:-It had four rooms,-two above and two down below and a stair way between them, and an addition of family rooms containing four rooms,-two below and two above, and afterwards there was an addition put onto it that had ~~ten sleeping rooms, -four double rooms and six single rooms over a dining room and kitchen and cellar way, -the outer one of these rooms was used as a kitchen, and that would make four and three is seven, and ten is seventeen or eighteen rooms counting the kitchen and exclusive of the hall.~~ ten sleeping rooms, -four double rooms and six single rooms over a dining room and kitchen and cellar way, -the outer one of these rooms was used as a kitchen, and that would make four and three is seven, and ten is seventeen or eighteen rooms counting the kitchen and exclusive of the hall.

87 Q:-Which house was that in? A:-In the Mansion house.

88 Q:-That was in what was known as the hotel or Mansion house? A:-Yes sir.

89 Q:-Now who occupied the ten sleeping rooms? A:-Oh I could not tell you for they were strangers.

90 Q:-Well I am not asking you for their names? What I am doing is asking you for, -whether it was the family or the strangers? A:-There might be some portion of the family at some times occupying one or two of the sleeping rooms, but they were mainly occupied by transients or boarders, for they were not what we called the family rooms.

91 Q:-I will ask you Mr. Smith, whether in that Mansion house or hotel you have described there was any rooms set apart for washings or anointings, or for any secret purpose whatever? A:-None that I know of. There was never any of them used for that purpose that I know anything about.

92 Q:-In any part of the house? A:-No sir.

93 Q:-You were frequently through the hotel and in all the rooms in it? A:-Yes sir.

94 Q:-If there had been any such rooms as these in the building would you have known of it? A:-Yes sir, I think I would. I think I should have been apt to know it.

95 Q:-There could not have been any such rooms there unless you had known it?

By Mr. Southern, - "This line of examination is objected to because it is not in rebuttal of any thing offered by the defendants and because it is incompetent, irrelevant and immaterial."

By Mr. Kelley, -

96 Q:-Were there any such rooms as I have described in the house from which your father removed to the Mansion house? A:-No sir, there were no such rooms in either house.

97 Q:-How many rooms were there in the old house?

By Mr. Southern,--Mr. Reporter, before that question is answered, with the consent of these gentlemen I will withdraw that last objection I made, for I was not aware that these matters had been gone into in Salt Lake City, but upon consultation with Mr. Hall he informs me that they were gone into, therefore I desire to withdraw the objection with their consent."

By Mr. Kelley,—"Certainly, -I thought you were mistaken in that."

By Mr. Southern,—"Well I think still it is all irrelevant and that part of my objection stands."

By Mr. Kelley, —

98 Q:-Answer the question? A:-What is it,-I have forgotten it.

99 Q:-How many rooms were there in the old house? A:-In the old house?

- I 00 Q:-Yes sir, in the house that your father lived in before he moved to the Mansion house, how many rooms were there? A:-There was four, five, six, seven, exclusive of a little hall-way.
- I 01 Q:-Were any of these rooms used, or set apart for the purposes to which your attention was called in the other question? A:-No sir, not to my knowledge.
- I 02 Q:-If there had been so would you have known it? A:-I would.
- I 03 Q:-Now what time was it that Lucy Kimball, -known at that time as Lucy Walker, was at your house going to school? A:-It was before we moved into the Mansion house.
- I 04 Q:-You were in the old building? A:-Yes sir, it was when we lived in the old building before we had removed to the Mansion house.
- I 05 Q:-Well how long would that be before your father's death? A:-It would be perhaps two years, or nearly two years. It might possibly be a little over two years.
- I 06 Q:-What is the fact about her being at your father's house after that time, either working for her board or going to school, or in any other capacity? A:-I think she was afterwards employed in the Mansion house for a short time as dining room girl. I think she was employed for a while in that way.
- I 07 Q:-For how long was she so employed? A:-I don't know how long.
- I 08 Q:-Well about how long was it? A:-I can't say but it was not for long. The whole family was employed there around the place in one capacity or another.
- I 09 Q:-What family do you refer to? A:-The family of George Walker, -they were all of them about there I think, for their mother was dead at the time, and her whole family was employed there around the place.
- I 10 Q:-Who were they that were employed? A:-Well she was, and her brothers William and Loren. Her brother Loren was for a number of years employed by father, and I knew the whole family from the old gentleman down to Henry.
- I 11 Q:-Well was Lucy Kimball or Walker living there at your father's house at the time he was killed? A:-I think not sir. I think not. You asked the question, -Lucy Kimball you said.
- I 12 Q:-Well I meant Lucy Walker, and she afterwards married Kimball, so when I say Lucy Kimball you will know that I mean Lucy Walker? Her name was Walker at first, and then afterwards it became Kimball did it not? A:-Yes sir.
- I 13 Q:-Now after your father's death your mother continued to live there in Nauvoo in the same house did she not? A:-Yes sir, she did for a time.
- I 14 Q:-For how long? A:-Did she live there?
- I 15 Q:-Yes sir? A:-Well now I would not undertake to say how long it was that she lived there, but she rented the house to William Marks part of the time, and afterwards she rented it to a man named VanTyle for a while and lived across the road in the old house.
- I 16 Q:-Well she lived there in the same town? A:-Yes sir, right there in Nauvoo across the street from the Mansion house. She never lived any place else in Nauvoo but at these two places.
- I 17 Q:-Well you met with these people afterwards did you not, -after your father died? A:-Yes sir.
- I 18 Q:-What, if any, claim was ever made from the time your father died up to 1846 by any of these women, Lucy Kimball, Lucy Walker or by any other

woman, except Emma Smith as to their being the wife of your father?

By Mr. Southern "I object to that for the reason that I fail to see the value of the witness's testimony one way or the other in any reply that he can possibly make to the question, - that is, the answer of the witness could not be testimony bearing upon any of the issues of this case in any way, shape or manner, it matters not what it might be.

By Mr. Kelley, -

I19 Q: - Answer the question? A: - There was no claim ever made, of the kind, to my knowledge.

I20 Q: - Either to yourself or to your mother, or to any other member of the family there? A: - Not to my knowledge. I do not believe there was, and I never heard any such thing in my life until after the year '46.

I21 Q: - How long after '46 was it? A: - That I heard of it?

I22 Q: - Yes sir? A: - Oh it might be in the spring or summer of '46.

I23 Q: - Now in the Mansion house or hotel in which your father lived for about two years before his death, I will ask you what the fact is about your mother, - about your mother's rooms in which she slept and did what work she did, being arranged for the purpose of giving anointings or washings? A: - There was nothing of the kind.

I24 Q: - There was nothing of the kind performed in your mother's rooms? A: - No sir, I never saw anything of the kind performed in my mother's room.

I25 Q: - Was there there any arrangements looking towards that end in the room of your mother? A: - Looking towards what?

I26 Q: - Looking towards preparations to that end, - that is, preparations for washings and anointings? A: - No sir, I never knew of any. I did not know of it if there was. I slept in the adjoining room, unless I slept in the same room that father and mother did, and I never saw or heard of anything of the kind. We slept there all the time, for mother never allowed us to sleep away from her very far until after father's death.

I27 Q: - Were you acquainted with what was known as the Lott family there? A: - Yes sir.

I28 Q: - Where did they live? A: - They lived two miles and a half east of that on my father's farm which they rented from my father.

I29 Q: - Did they live in Nauvoo? A: - Yes sir, but not before my father's death. They never lived in Nauvoo that I knew of until after the time of my father's death.

I30 Q: - You say you knew the family? A: - Yes sir.

I31 Q: - What was their father's name? A: - Coenelius P. Lott

I32 Q: - Did he have any daughters? A: - Yes sir.

I33 Q: - Did he have a daughter by the name of Melissa? A: - Yes sir.

I34 Q: - Did you know her? A: - Yes sir, I knew the whole family.

I35 Q: - How many was there in the family? A: - Well there was John and Mary and Martha and Melissa and Alzina and Peter, and I am not sure but what there was another one, but I am not sure as to what her name was, for I don't remember it.

I36 Q: - Have you seen Melissa Lott within the last few years? A: - Yes sir, I saw her about six or seven years ago.

I37 Q: - Well when did you see her last? A: - I saw her in the fall of 1885.

I38 Q: - Where did you see her? A: - I saw her in the town of Lehi in Utah Territory.

I39 Q: - What is her name now?

A: - Her name is Willis, - that is her married

- name is Willis.
- I40 Q:-Her husband's name is Willis? A:-Yes sir, I believe she married a man by the name of Ira Willis, -at least it is reported that she did.
- I41 Q:-In the testimony of Mrs. Willis, formerly Melissa Lott, taken in Salt Lake City, she makes a statement that in a conversation with you at Lehi in the Territory of Utah some years ago she claimed that she was married to your father, and lived with him as his wife in Nauvoo, Illinois. Now what are the facts with reference to that conversation, if there was ever such a conversation?
- By Mr. Southern. - "I object to that."
- By Mr. Kelley. -
- I42 Q:-What, if any, such a conversation was ever had?
- By Mr. Southern. - "Plesse indulge me for a minute or ~~and~~ sp. - give me time to read the examination of Mrs. Willis. - (reading testimony of Mrs. Willis.) Now the objection to that question I take it, is that "several years ago" does not sufficiently identify the time in order to impeach her testimony by this witness."
- By Mr. Kelley. -
- I43 Q:-Well about four years ago, - put it that way Mr. Reporter? A:-If you will pardon me I will say that in my crusade against polygamy there it had been stated that I would not dare to face Mrs. Willis, and when I went to Lehi preaching there, she was in the congregation the first evening, and I secured an introduction to her and asked her for an interview, and I went the next day at ten oclock by appointment to see her.
- I44 That was in Lehi? A:-Yes sir.
- I45 Q:-Please state when this was? A:-This was in '85 and I think in the latter part of October.
- I46 Q:-Well was that the only time and place you ever met her? A:-I called on her again on my way back when coming up from the south. I just merely called on her to say "how do you do" or something like that and that was about all.
- I47 Q:-Were these two visits the only ones you ever made to her? A:-Yes sir, that was all in Utah.
- I48 Q:-What were your reasons for calling on her? A:-Well sir, having known her in my boyhood I was anxious to see her, and especially anxious to find out if I could, about what was stated in regard to her alleged connection with my father, and I went there and saw her and had a conversation with her in which she did state that she was married to my father, but she stated also that she did not live with him as his wife.
- I49 Q:-Is that all that she stated in that connection? A:-No sir. After she had made that statement, I asked her the reason why she had not, and she said she did not think it was necessary. I asked her a number of questions with regard to it with the intention of ascertaining what the facts were in connection with it as near as I could, and she did not state that she had lived with him as his wife, but on the contrary distinctly affirmed that she did not live with him as his wife. I asked her also if he had ever treated her as a wife, and she suggested that he did once, but nothing came of it, and I asked her why if she was properly married, why the relationship was not continued, and she said she did not think it was right. I asked her then if this took place in the Mansion house or in the old house, and she said no that it was not in the Mansion house, - that nothing ever went on in the old house or in the Mansion House

She said that nothing of the kind ever took place there, and then I asked her, or stated to her, that it was said that he had several wives living there with him in the Mansion House, and she said it was not so, that nothing of the kind was carried on there, or permitted at all. Now of course it is impossible for me to remember all that was said or passed between us, but that was the substance of what passed between us at that time and place.

I50 Q:-Well state anything and everything that was said in the conversation?

By Mr. Southern,--"Well to that question I must interpose an objection."

By Mr. Kelley,--

I51 Q:-Well of course I mean upon that subject?

By Mr. Southern,--"Well to that I object because it is not the proper inquiry to make in the impeachment of a witness."

A:-Well gentlemen, I am willing to state all I know, for I have nothing to conceal about it.

By Mr. Kelley,--

I52 Q:-What, if any thing, was said in those conversations or either of the conversations between yourself and Melissa Willis, with reference to your mother, or a statement made by your mother? A:-Well after asking her these questions, I asked her if my mother knew of this marriage that she alleged had taken place.

I53 Q:-What marriage do you refer to now? A:-The marriage that she alleged had taken place between herself and my father. I asked her if my mother knew that it had taken place or was aware of it in any way, and she said that mother was,--that she had given her consent to it, and then I asked her the question as to whether my mother was a truthful woman,--whether she was a woman that would tell the truth, and she said she would,--that that was her character, and then I said "suppose my mother should make to me a statement in answer to a question, could I rely on what she said" and she said "you can Joseph, you can, for if your mother told you anything you can believe it to be true" and then I told her that my mother in answer to my question I had asked her, had stated positively that my father had no wife but my mother Emma, and that he had never had any other woman in any sense as his wife with her knowledge and consent, and then this woman Willis looked at me and she said "Well Joseph if your mother told you that she knew nothing about it." Now that was all in the same conversation, and then I told her that my mother had made that statement to me specifically, and she said "you can rely on it then, your mother knew nothing about it."

I54 Q:-That was the conversation you had with Mrs. Willis formerly known as Melissa Lott? A:-Yes sir.

I55 Q:-Who was present during this conversation?

A:-Soon after that her sister Mary, and her sister ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Alzina came into the room for they heard that I was there and was visiting Melissa I suppose, and so they came into the room to see me.

I56 Q:-Well what was said then? A:-Well we fell into a general conversation. Of course I did not question the woman directly any more but in the course of the conversation I turned to Mary and asked her if she knew where I could find any brothers and sisters there in the territory, for it was reported that I had a good many mothers there in the territory, and I would like to find some brothers and sisters, for I was kind of lonesome, and Mary remarked that she had hunted the whole territory over for them, and went every

place where there was any report of the kind and she could find no children, and then Alzina spoke up and she said "No brother Joseph, I do not believe there is any chance for any", and then I turned to Melissa Willis, and I said "you hear what your sisters say, - what have you to say to it?"

By Mr. Southern, - "Wait just a moment, - this line of evidence given in the answers of the witness is objectionable on legal grounds I think, - however proper it may seem on other grounds. It is objected to for the reason that it does not come up to the requirements of testimony in rebuttal or direct testimony, and it is objected to for the reason that it is so very clearly incompetent, irrelevant and immaterial to any issue in this case."

By Mr. Kelley, -

I57 Q: - Proceed Mr. Smith? A: - Well then Mrs Willis immediately remarked in answer to my question, that she thought the girls were right.

I58 Q: - Well what did she say about it? A: - She said "Joseph, I expect they are right" and then I said "I thank you, for I think that gives the case away." That was in effect what I remarked. The conversation was rather general after the girls came in, and having known them so well in the early days I felt free to converse with them as I would with those I had known for years. I was under no kind of reticence, or disinclination to talk with them for they were very friendly and we talked in a very friendly way.

I59 Q: - I will ask you now if there is any rule, doctrine or teaching, tenet, rule or order or obligation in the church, - I mean in the re-organized church of Jesus Christ of Latter Day Saints, of which you are the president, which authorizes or countenances in any way, shape or form or manner, any secret oaths, ordinances, obligations, or any such thing as a part of its faith and practice, and the duty of its members?
A: - There is not.

I60 Q: - There is not anything of that kind? A: - Not a thing

I61 Q: - Is there any obligation of any nature? A: - The only obligation imposed by the church is the one taken at baptism.

I62 Q: - Is there any such teachings in any of the original books of the church, or records of the church, especially in 1830 say at the time the church was established then, and from that time on up to 1844 at the time of your father's death? A: - None that I know of. I know there is none in the books. It may be in the records, but I don't know about it if it is.

I63 Q: - Have any of the records of the church come into your possession teaching or authorizing any such practice? A: - There has none of them come into my possession or under my knowledge, therefore I know of nothing of the kind.

I64 Q: - Is there anything in any of the books of doctrine of the church that would permit any such a thing?
A: - Not that I know of, - not as a church obligation or enjoined as a duty upon the members of the church.

I65 Q: - Take the witness.

Cross examination by Mr. Southern, -

I66 Q: - Mr. Smith you have been asked concerning the manuscript of the Inspired Translation? A: - Yes sir.

I67 Q: - You have been asked about its possession, and about its having been handed over to a committee?
A: - Yes sir.

I68 Q: - And I believe you were also asked about its publication? A: - Yes sir.

I 69 Q:-Now I want you to state more specifically what that inspired translation is?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not cross examination.

I 70 Q:-You may answer the question? A:-As I understand it it is a translation and correction of the common version of the bible. Of the bible and the new testament I should say.

I 71 Q:-Well do you mean the King James version or translation? A:-No sir, I don't ~~mean~~ mean the King James version.

I 72 Q:-Well what do you mean then? A:-I mean the bible.

I 73 Q:-You mean just the bible? A:-Yes sir, the old and new testament, -commonly called "the bible".

I 74 Q:-You state that you understand it to be a correction of the translation? A:-No sir, that is not what I said, -I said it was a translation and a correction.

I 75 Q:-A translation and a correction? A:-Yes sir, -just as it is stated in the preface.

I 76 Q:-Of the bible it is a translation and a correction? A:-Yes sir, of the old and new testaments, excluding the songs of Solomon and the apocrypha old and new.

I 77 Q:-That is what the translation was? A:-Yes sir.

I 78 Q:-By whom was this translation made? A:-I understand it to be by my father.

I 79 Q:-Now were you accurate when you denominated it a translation and a correction? A:-I don't know sir, any thing about it. I only know what appears in the preface, and I give it to you as I found it, and the manner in which it was done I don't know sir, -I only give it as it came into my hands.

I 80 Q:-Are you well acquainted with its contents and what it purports to be? A:-I am so far as the using of it and the reading of it from time to time is concerned.

I 81 Q:-Well you are familiar with it? A:-Yes sir, reasonably so, but I would not say that I am as familiar with it as some would be with the bible.

I 82 Q:-Can you state whether or not it purports to be a revelation coming direct from God through the medium of your father, Joseph Smith?

Counsel for the plaintiff objects to the question on the ground that it is not cross examination, and on the further ground that it is not material.

A:-I understand it to be as I have stated a correction and translation of the old and new testaments by the spirit of revelation, by Joseph Smith, my father. The history of it states that the translation was finished in 1838, and it came into my hands or possession some time prior to the date of its publication in 1867.

I 83 Q:-It came into your possession you say? A:-Into my possession and that of others of the committee.

I 84 Q:-Well what history do you refer to? A:-The history of my father published in the Times and Seasons.

I 85 Q:-Was your father an Hebrew or Greek scholar or an Hebrew and Greek scholar? A:-I could not tell you for I don't know anything about it only from hearsay.

I 86 Q:-Do you know of any revelation purporting to have been given to or by or through your father, commanding him to write out the Holy Scriptures by the Spirit of Inspiration?

Counsel for the plaintiff objects to the question asked

the witness on the ground ~~that~~ and for the reason that it is incompetent, immaterial and irrelevant and not proper cross examination.

A:-I don't know that I do specifically, unless mention is made of it in some of the revelations. We have already read two of them.

I87 Q:-Contained where? A:-In the book of doctrine and covenants.

I88 Q:-Now is there anything to indicate that this translation and correction as you call it, of the Holy Scriptures was finished before the death of your father, aside from his history of which you speak?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A:-Nothing more than the fact of its being completed so far as we could discover when we came to examine the matter laid before us, -I should say presented to us.

I89 Q:-It was completed so far as you could discover at that time? A:-Yes sir. All that we got into our hands appeared to be completed.

I90 Q:-When did you state you found the manuscript from which this publication was made? A:-What is that?

I91 Q:-When did you state you first saw the manuscript from which this publication was made? A:-Well I could not tell you. I have not stated anything about it I don't think, but I will say now that I first saw it when it came into my hands, or the hands of this committee a few months before the date of its publication in 1867.

I92 Q:-Well can you state about the time when you first saw it? A:-No sir, I can't state that specifically, but I saw it at different times in my mother's possession at different times, but I did not read any of it, -I simply saw the bulk of it, so to speak, in my mother's hands. Now in reply to the last question, I believe it was, I stated that the first time I saw it was when it was delivered to the committee of which I was a member, and that I think was the first time I saw it to read any of it, but before that I had seen it but not to read it.

I93 Q:-Did the manuscript that was delivered to you, purport to be a full and complete copy of the inspired translation?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A:-It purported to be what it was, -a correction and translation of the old and new testaments, just as we have it here in this volume which was presented here called the Inspired Translation or the "Holy Scriptures."

I94 Q:-Now you speak of it as a manuscript, -now was it in the form of manuscript all written out? A:-No sir, it was not.

I95 Q:-Then in what shape was this manuscript? A:-A portion of it was in the form of leaves from a copy of the bible, and the corrections noted in it, or on the leaf, either on the margin or in manuscript attached to the leaves.

I96 Will you please state how these leaves were arranged, and how the corrections appeared?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A:-They appeared in consecutive pages, where corrections were of that character that they might be in the margin they were put

on the margin, but if they were too extensive to go on the margin they were put on slips of paper and fastened to the leaves and marked.

197 Q:-And numbered? A:-Yes sir, some times,--when it was necessary. Very orderly the whole thing was. It was all very orderly from first to last and arranged in such a way that any ordinary person could take it and read it readily from first to last,--there was no trouble about that from start to finish, for it could be read right straight along.

198 Q:-You spoke of the corrections? A:-Yes sir.

199 Q:-What do you mean by that? A:-Well I meant that there were corrections in it, of course,--corrections in the text.

200 Q:-Well these corrections you speak of, were inserted in the translation when it was published were they not? A:-Yes sir, we published it just precisely as we found it, everything just as we found it, allowing for the ordinary mistakes of humanity,--printers and proof readers and such.

201 Q:-Did you find differences in the proof between these translations and the King James and other translations? A:-Yes sir, we do according to some translations more than others, and particularly in what is known as the King James translation in the book of Genesis.

202 Q:-Now as an example I want to call your attention to the thirteenth verse of the seventeenth chapter of Matthew as it appears in the King James translation and ask you to read that verse to the Notary?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A:-The thirteenthth of the seventeenth chapter of Matthew, as it appears in the King James translation, reads as follows,--"Then the disciples understood that he spake unto them of John the Baptist."

203 Q:-Then the disciples understood that he spake unto them of John the Baptist? A:-Yes sir.

204 Q:-Now I want you to read from what you have denominated, or what is denominated the inspired translation corresponding with what you have read from the King James translation,--read the verse that corresponds with it in the Inspired Translation as you term it so that the reporter may note it?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination.

205 Q:-Read it so that the Notary may note it as you read it? A:-Do you mean the thirteenth and fourteenth verses?

206 Q:-The thirteenth verse? A:-But I say unto you who is Elias? Behold this is Elias whom I sent to prepare the way before me." Now that is the thirteenth verse. The fourteenth verse reads as follows,--"Then the disciples understood that he spake unto them of John the Baptist, and also of another who should come and restore all things, as it is written by the prophets. You see it takes these two verses here to state that one."

207 Q:-Yes sir? A:-Or rather to correspond with the one in the King James translation.

208 Q:-Now do you recognize the language,--"and also of another who should come and restore all things as it was written by the prophets." Now do you take that as a correction or an addition?

Counsel for the plaintiff objects to the question asked

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Counsel for the plaintiff objects to the question asked

the witness on the ground that it is incompetent, irrelevant and immaterial, not proper cross examination and calls for an ~~XXXXXXXXXXXXXXXXXXXX~~ opinion of the witness.

209 Q:-Answer the question? A:-What is it?
210 Q:-It says in there "and"

210 Q:-It says in there,—"and also of another who should come and restore all things as it is written by the prophets." I asked you if you recognized that as a correction or an addition? A:-Oh I could not tell you. I could only give you my opinion of it, that is all.

211 Q:-Well please state what you know of it?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination, but calls only for the opinion of the witness.

A:-I would understand it to be a correction. You may call it an addition, but it is an addition to the language expressing the idea.

212 Q:-Can you point it out in any corresponding verse in the chapter I have called your attention to in the King James translation? A:-No sir, I don't know that I ~~could~~ can.

213 Q:-You cannot do that? A:-No sir, I don't pretend to be able to explain all these things. I do not assume responsibility for that. I only give it as I find it here, and that is the way we found it, and we have published it just as we found it without change or correction or erasure.

214 Q:-Well I am not complaining of you,-you need not make this long explanation,for I am not complaining of your action? A:-No sir,I know you are not and I am glad of it.

215 Q:-Well now I want to know of you as the head of the re-organized church of Jesus Christ and its,-and the expounder of its doctrines, and what I understand at least to be an expert in its teachings, whom you understand the expression "and also of another" to apply to? A:-I understand it to apply to Christ who would restore all things.

Counsel for the plaintiff objects to the question asked the witness and the answer of the witness thereto, on the ground that it is incompetent, irrelevant and immaterial, and not proper cross examination, and calling simply for an opinion of the witness.

216 Q:-That is what you understand by that? A:-Yes sir, for Christ is the only one who, in my judgment, is competent to restore all things.

By Mr. Kelley, - "And I make this further objection in this instance that this witness is not the expounder of the law."

By E. L. Kelley, - "We don't explain, - I mean we don't object to his explaining the law."

By P. P. Kelley, - "Well the question limits this witness as the only one capable of expounding the law, and we object to it for that reason."

By Mr. Southern. —

217 Q:-Now I want you to look at this for the same reasons that I have asked you to look at the other quotations, - for the same reasons that I have given to the others, simply because I have called your attention to it. Now I want you to look at what is termed the ~~fiftieth~~ ^{fiftieth} ~~teenth~~ chapter of Genesis in the Inspired Translation and tell me if you are acquainted with it and its language?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent irrelevant and

210 Q:-It says in there,—"and also of another who should come and restore all things as it is written by the prophets." I asked you if you recognized that as a correction or an addition? A:-Oh I could not tell you. I could only give you my opinion of it, that is all.

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Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent irrelevant and

immaterial, and not proper cross examination, and calls for an opinion of the witness.

218 Q:-Answer the question? A:-Am I familiar with it.

219 Q:-Yes sir, -are you familiar with what is called the fiftieth chapter of Genesis in the Inspired Translation? A:-Why I have read it several times.

220 Q:-Did you ever look to see whether there is anything corresponding to it in the King James translation of the bible? A:-Yes sir, I presume we have at different times, especially when we were getting it ready for the press.

221 Q:-Well did you find anything corresponding to that chapter in the King James translation?

Counsel for the plaintiff objects to the question asked the witness for the reasons that it is incompetent, irrelevant and immaterial and not proper cross examination.

A:-I would not say that we do specifically.

222 Q:-You would not say that there is anything in the King James translation specifically corresponding to it? A:-No sir.

223 Q:-In that chapter 50 of the book of Genesis to which I have called your attention I would be glad to have you look at the twenty sixth verse of it and read it to the reporter so that he may take it down?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A:-The twenty sixth verse reads, -"A seer shall the Lord my God raise up, who shall be a choice seer unto the fruit of my loins."

224 Q:-And now I would ask you whom you understand that word "seer" as used there to relate?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination and calls for an opinion of the witness only.

A:-To whom, -who do I understand it to relate to?

225 Q:-Yes sir? A:-Well sir, I don't know that I have any specific opinion about it at all.

226 Q:-Well have you a general opinion about it? A:-Well if I had a general opinion it would be specific.

Counsel for the plaintiff objects to the question asked the witness and the answer of the witness as argumentative, and for the reasons above given.

227 Q:-Then what is your answer to the question, -is it that you don't know to whom it refers?

Counsel for the plaintiff objects to the question asked the witness for the reasons last above set forth.

A:-I don't know specifically who it refers to sir, but I may have my opinion about it.

228 Q:-Is it your opinion that it refers to Joseph Smith your father?

Counsel for the plaintiff objects to the question for the reasons that it is incompetent, irrelevant and immaterial and not the proper form of cross examination and calls for the opinion of the witness.

A:-I have heard that claimed but then I don't think I ever expressed an opinion about it.

229 Q:-Have you ever preached that you thought it referred

to your father? A:-No sir.

230 Q:-Do your preachers refer to it?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is not cross examination, and is incompetent, irrelevant and immaterial

A:-No sir.

231 Q:-Do they ever preach it that way, as referring to your father? A:-I think I have heard one or two of them refer to it that way in theory.

232 Q:-You have heard preachers in your church refer to it that way you say? A:-Yes sir.

233 Q:-Did you as President of the church correct them when you heard them preach it that way? A:-No sir, for it was not a matter of doctrine anyway, or a definition of doctrine, -it was merely an expression of opinion, and any man in our church has a right to express an opinion upon a matter of that kind if he chooses to do so.

234 Q:-That is the way it is? A:-Yes sir, our men are not in leading strings. We don't try to hamper and stifle men's minds in our church Colonel.

235 Q:-Well you are acquainted with the book of Mormon are you not? A:-I am to some extent sir.

236 Q:-Has it as has been given in testimony here, -?

A:-I am to some extent Colonel, but not so well as I would like to be.

237 Q:-Now I will ask you if there are quotations from the scriptures in the book of Mormon? A:-Yes sir, it is purported to be, especially in the book of Isaiah.

Counsel for the plaintiff objects to the question asked the witness, and moves the court to exclude from the record the answer of the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.

238 Q:-Were these quotations found in the book of Mormon taken, -do these quotations found in the book of Mormon appear to have been taken from the Inspired Translation, or from the King James translation? A:-As to that I could not tell you as to how many of them are specifically found in the King James translation. I believe that they purport to be quotations from Isaiah. I suppose they are quotations from Isaiah, and a good many of them I know are to be found in the King James translation, -or is identical with what is found in the King James translation.

Counsel for the plaintiff objects to the question asked the witness, and the answer of the witness for the reasons above set forth, and moves the court to strike same from the record for the same reasons.

239 Q:-Now do the quotations to which you refer, -do they correspond with the language used in the Inspired Translation? A:-Many of them do.

Counsel for the plaintiff objects to the question asked the witness and the answer thereto for the reasons above given, and moves the court to exclude the answer for the same reasons. It is also objected to for the reason that it is calling for an opinion of the witness.

240 Q:-That is they correspond only in so far as the Inspired Translation uses the language of the King James translation?

Counsel for the plaintiff objects to the question asked the witness for the reasons that it is incompetent, irrelevant and immaterial, and is not cross examination and calls for an opinion of the witness only.

A:-The answer is so far as they agree in each of the three books, they correspond to that extent.

241 Q:-But do you find any of the additions and corrections that are found in the Inspired Translation as compared with the King James translation?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A:-I don't know that I do.

242 Q:-You don't know about that? A:-No sir, but I would not say specifically in regard to that, without further examination.

243 Q:-Are you able to state now whether the inspired translation was adopted by the re-organized church?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is irrelevant and not cross examination. A:-I don't know that it was specifically. It may possibly have been in the fall of '79, but I could not say positively as to that.

244 Q:-May I call your attention to what purports to have been a resolution, -I will say to what purports to be a resolution adopted by the General Conference of the church on September 13th 1889, -'78 I mean?

Counsel for the plaintiff objects to the question for the reasons above given.

245 Q:-Read that?

Counsel for the plaintiff objects to the question for the reasons above given and for the further reason that the record from which the witness has been asked to read, has not been shown to be identical with the original, and not a true copy of the original.

246 Q:-I am making my objection to one thing, -I mean I am asking my question with reference to one thing, and you are making your objection to something that you don't want the witness to overlook.

A:-Well that is a resolution that was adopted at the conference in '78.

247 Q:-Well read the resolution that was adopted in 1878?

Counsel for the plaintiff objects to the question and to the witness reading the resolution on the ground that it is incompetent, irrelevant and immaterial, and not the best evidence, "as it is not a copy of the original, and as printed in the paper from which witness is asked to read is not a correct copy of the original which has been shown in these depositions by comparison with the original, and is not cross examination."

248 Q:-Well read the resolution which appears on page eighteen of exhibit "M" offered by the plaintiff?

A:-"Resolved that this body representing the re-organized church of Jesus Christ of Latter Day Saints, recognize the Holy Scriptures, the book of Mormon, the revelations of God contained in the book of doctrine and Covenants, and all other revelations which have been or shall be revealed through God's appointed prophet, which have been, or may be hereafter accepted by the church as the standard of authority on all matters of church government and doctrine, and the final standard of reference on appeal in all controversy arising, or which may arise in this church of Christ."

Counsel for the plaintiff objects to the answer of the witness in reading the resolution referred to, or its being incorporated in the record for the reasons above set forth, and moves the court to strike it from the record for the reasons above given.

249 Q:-Mr Smith, what was the authority you referred to for saying, -I believe you stated that there was a history that was authority for the statement that the inspired translation was completed in 1883?

- A:-The statement made in the reported history of my father that was published in the Times and Seasons.
- 250 Q:-That is your authority? A:-Yes sir.
- 251 Q:-Well what do you know relating to the authenticity of that history? A:-I don't know anything about that
- 252 Q:-You don't know whether it is authentic or not? A:-No sir, but it purports to be.
- 253 Q:-What was the balance of the paragraph?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons that it is incompetent, irrelevant and immaterial and not cross examination.
- A:-I can't tell you. I don't know about it. I stated at the outset that I understood it was completed in 1838, but I did not know it of my own knowledge as a matter of course, for in the very nature of things I could not know it to be a fact.
- 254 Q:-Do you understand from the same source that something was done with it after it was completed?
Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons that it is not cross examination, and is incompetent, irrelevant and immaterial.
- 255 Q:-Answer the question? A:-What is it?
- 256 Q:-Did you understand from the same source that something was done with it after it was completed?
A:-No sir, there is nothing more that I know of.
- 257 Q:-That it was sealed up, -was that it? A:-I don't know that it was, -nothing more than it was put into custody and to be retained.
Counsel for the plaintiff objects to the question and the answer of the witness for the reasons above set forth, and moves the court to strike the answer of the witness from the record for that reason.
- 258 Q:-To be re-opened when? A:-I don't know that it states that.
- 259 Q:-I will call your attention for the purpose of refreshing your mind to a paragraph on page seven hundred and twenty three in the second column of plaintiff's exhibit "O".
Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination.
- 260 Q:-I will call your attention to that for the purpose of refreshing your recollection?
Counsel for the plaintiff objects to the question for the further reason, that the book from which the witness is asked to read is a mutilated book, and has never been introduced in evidence by either party and it was withdrawn after it was marked as an exhibit, for the reason that it was mutilated."
- 261 Q:-I am simply asking the witness to refresh his memory. Is that the history to which you refer? A:-What is that?
- 262 Q:-That paragraph to which I called your attention?
A:-It may be. Probably it is It probably is.
- 263 Q:-Now after you have refreshed your memory you can state in the same connection as to whether this Inspired Translation was finished, and ~~XXXXXXX~~ as to whether anything else was said about it as to what was done with it?
Counsel for the plaintiff objects to the question for the reasons above stated.
- A:-I can state what appears there.
- 264 Q:-Well what is stated there?
A:-Well it was sealed up not to be

- opened until it arrived in Zion.
- Counsel for the plaintiff objects to the answer of the witness on the ground that it is incompetent.
- 265 Q:-Well is this as authentic a part of the history as the other part of the history which you quoted this morning? That is, is it as authentic as the other part you quoted this morning as to when it was finished?
A:-I presume it is.
- 266 Q:-You consider that it is just as authentic? A:-Yes sir, I don't doubt its authenticity.
- 267 Q:-Now you were asked this morning I believe by the plaintiffs in this case to state if you knew from whom the manuscript for this inspired translation was obtained, and you stated did you not that it was obtained from your mother? A:-Yes sir.
- 268 Q:-You stated that it was obtained from your mother Emma Smith? A:-Yes sir. The committee that published it obtained it from her.
- 269 Q:-That is a fact? A:-Yes sir.
- 270 Q:-Did you not also state that you were one of that committee? A:-Yes sir, I was a member of that committee and it was delivered to me in person.
- 271 Q:-It was delivered to you in person from your mother Emma Smith? A:-Yes sir. Her name was not Smith at the time that I obtained it from her. Her name was Mrs. Bidaman at the time that I got that translation from her.
- 272 Q:-Do you remember about what date that was? A:-No sir, I do not. If I had known that the date was required I could easily have obtained it.
- 273 Q:-Well you can probably approximate it, can you not?
A:-I think it was some time in the fall of '67.
- 274 Q:-Well how long was it on hand with the committee or anywhere else after you obtained it? A:-How long was it on hand?
- 275 Q:-Yes sir? A:-In what way, -the committee had it all the time.
- 276 Q:-I mean before anything was done with it, how long was it on hand A:-Well we went to work on it right away at once. We were at work on it for some time, for it was some months before it went into the hands of the printers in Philadelphia.
- 277 Q:-Who went to work on it? A:-There was myself, Ebenezer Robinson, W.W. Blair, and the clerks we employed.
- 278 Q:-You all went to work on it you say? A:-Yes sir.
- 279 Q:-Well what work was there to do on it? A:-We re-copied it, -made a copy of it for the printers, that is.
- 280 Q:-Well did you make a verbatim copy? A:-Yes sir, we did so far as we possibly could do it.
- 281 Q:-Well how did you proceed to make that copy? A:-I don't understand what you mean by that, -
- 282 Q:-Well did you make a copy in manuscript? A:-Yes sir we made it in manuscript, for we had no typewriters then as we have now.
- 283 Well when I use the word "manuscript" I use the word in its old signification? A:-Handwriting?
- 284 Q:-Yes sir? A:-Yes sir, it was copied in hand writing.
- 285 Well was it all copied in hand writing before it went into the hands of the printers? A:-Yes sir.
- 286 Q:-By that committee? A:-Yes sir, or by persons employed by the committee.
- 287 Q:-By them or by persons employed by them. A:-Well I should say by them and by persons employed by them.

- 288 Q:-When you made the manuscript,-wait a moment and I will get that right,-when you obtained the manuscript or the copy from which you made the manuscript, from which you made the manuscript copy, from your mother, what was its condition,-that is what shape was it at the time you obtained it from your mother? A:-Well it was a mass of manuscript or copy secured in a bundle by itself.
- 289 Q:-It was all by itself? A:-Yes sir.
- 290 Q:-Well how was it secured? A:-Wrapped up and secured with the requisite twine.
- 291 Q:-Was there any covering on it? A:-Yes sir.
- 292 Q:-There was a wrapper on it then? A:-Yes sir.
- 293 Q:-Was there any seal to that wrapper? A:-I don't know that there was any specific seal to it.
- 294 Q:-I believe you stated,-I believe you did not state positively that it was sealed in any way at the time you got it? A:-No sir, I don't know,-I will state now that I don't know that there were any wax seals on it, but there may have been wafer seals on the outside of the cover, and if so they may have been broken.
- 295 Q:-You do not recollect now though, that there was any seals on it? A:-No sir.
- 296 Q:-Do you know that your father had a seal that was called his private seal? A:-No sir. I don't know about that. I could not say. There may have been and I think there was a church seal in the office, but I rather think he did not have what could be called a private seal of his own that he used for his own individual use.
- 297 Q:-You did not recognize any seal of that kind to the manuscript or on the wrapper that was around it? A:-No sir, there was not any seal of that character.
- 298 Q:-I believe that you stated that you had seen that manuscript prior to the time when that committee applied for it? A:-Well I don't know that I have stated that to be the fact, but it is the fact. I have seen it as a bundle or mass, but not for the purpose of examining it,-I simply saw the bulk of it so to speak. I never had examined or read it though.
- 299 Q:-Did you ever open it before that time? A:-No sir.
- 300 Q:-Had it the appearance of having been opened? A:-No sir. Oh I could not say as to that. I said it had not the appearance of having been opened, but that is something I could not say, for it might have been opened for all I know to the contrary.
- 301 Q:-It was in the custody of your mother you say? A:-Yes sir.
- 302 Q:-And the committee got it from her? A:-Yes sir.
- 303 Q:-Will you state where she got it, if you know? A:-I suppose from my father.
- 304 Q:-Do you know where she kept it? A:-I can state where it was when I knew where it was.
- 305 Q:-Well where was it when you knew? A:-It was in her private bureau in her private room.
- 306 Q:-Do you know by what authority, if there was any particular authority, that she became the custodian of that manuscript? A:-No sir, I cannot say that I do know of any specific authority by which she had it in her custody, or how she was made the custodian for it.
- 307 Q:-Do you know whether or not it was claimed that she was to be the custodian of it? A:-I may have heard some such thing as that

- but I can't say whether it was a claim or not.
- 308 Q:-You don't know that she was ever made the custodian to retain possession and charge of it? A:-No sir, but I think it was a very good thing however to leave it in her charge, for she undoubtedly took the best care of it.
- 309 Q:-Yes sir? A:-Yes sir, I think that it was a very good thing that she had it.
- 310 Q:-You think, of course, that she was faithful in her charge? A:-Yes sir.
- 311 Q:-You do? A:-I do.
- 312 Q:-Well can you state, or do you know why it was that she delivered it up to the committee? A:-I know what she said about it.
- 313 Q:-Well state what she said about it, for I believe that would be competent? A:-She said that she had been entrusted with it, and she had kept it as faithfully as she could, and she was glad to be relieved of its care, and she believed that she had put it into the right hands, and that the time had come for it to be published. That is what she said.
- 314 Q:-Do you know what was the cause of its being applied for through the committee? A:-Yes sir.
- 315 Q:-Well what was the cause? A:-There was a resolution passed through the Conference authorizing the appointment of a committee to apply for it, and to publish it, if it could be obtained.
- 316 Q:-That was the way the committee came to be appointed? A:-Yes sir.
- 317 Q:-Do you know if there was anything behind the action of the conference that caused the conference to pass that resolution? A:-Nothing more than the desire we had that it should be published, and our belief that the time had come when it should be published.
- 318 Q:-That was the reasons? A:-Yes sir. That is all the reasons I know of.
- 319 Q:-Was there, or is there any authority in the book of doctrine and covenants, or any where else, that appointed, or directed the conference toward the getting of that manuscript and its publication? A:-No sir, not that I am aware of.
- 320 Q:-There is not anything that directs that that should be done? A:-No sir, not that I am aware of, -nothing that specifically directs that it should be done. At least if there is anything I do not now recall it. We simply believed that it came in under our general work and we saw fit to secure possession of it and publish it.
- 321 Q:-Do you know whether there is anything called a revelation in the book of Doctrine and Covenants that refers to the inspired translation? A:-Nothing more than the appellation, -the "Scriptures". It is either the "Scriptures" or the "Holy Scriptures."
- 322 Q:-I may be mistaken and if I am correct me, -I understood you to state this morning that there was a revelation published in the book of Doctrine and Covenants, in pursuance of which this translation was made? Did I understand you correctly when I understood you to say that? A:-No sir, I think you asked me the question if there was any revelation to that effect, and I answered you that I did not know that there was, but there were references made to it which we had read.
- 323 Q:-This morning was that stated? A:-Yes sir, referring to it as identifying the Holy Scriptures, or the inspired translation.
- 324 Q:-How was that?
A:-Well you asked me a question if I knew of any revelation commanding it to be done, and I told you that

- there was not any that I knew of.
- 325 Q:-Well that is what I have reference to,-if you understand the revelation to which your attention was called this morning in the book of Doctrine and Covenants to refer to the making of this translation?
A:-Well that is the question you asked me before and I answered no, that it referred to the article itself as we understand it to identify the work; and in answer to the question as to whether I knew of any specific commandment authorizing or commanding the translation to be made,-that was the question you asked me and I told you no.
- 326 Q:-Please refer me now to the revelation,-to the date of the revelation or about the date of the revelation to which you referred this morning in your direct examination? A:-One is in section thirty, and the other is in section fifty eight. Perhaps the first one is in section thirty one, for I don't remember exactly the dates.
- 327 Q:-What I was getting at Mr. Smith was to develop ~~whether the revelation was received prior to the translation or subsequent to it?~~
A:-Well that was the understanding I had of your question when you asked me before if I knew of any revelation authorizing this translation to be performed, and I told you that I did not. I believe that this here refers to the document or article.
- 328 Q:-What makes you arrive at that conclusion? A:-Well it says in section thirteen, paragraph fifteen,-that is one of them.
- 329 Q:-Now it might not be objectionable even to the plaintiff's attorney for me to inquire just this much further about that,-as to whether the revelations which appear to be in the inspired translation and not in the King James translation of the bible,-I mean the differences or changes that are in the inspired translation and not in the King James translation, were ever submitted to the quorums of the re-organized church for their adoption?
Counsel for the plaintiff objects to the question asked the witness for the reason that it is incompetent, irrelevant and immaterial and not cross examination, and for the reason that it does not appear that any revelation appears in the new inspired translation and the witness has not so stated.
- 330 Q:Well I did not say that he did,-I don't see that you ought to object to that question. What is the question?
(Question No 329 was repeated to counsel)
- 331 Q:-Yes sir, that is my question, and I don't think you should object to that at all,-answer the question?
A:-The revelations as they appear there have never been submitted to the quorums in the form which you ask.
- 332 Q:-They have never been submitted to the quorums of the church of which you are the President? A:-No sir, the book itself has been submitted to the church.
- 333 Q:-I think that I may properly go one step further, and enquire whether you did not state in your direct examination last February that the revelations to be authentic and binding upon the church must first be submitted to the quorums?
Counsel for the plaintiff objects to the question asked the witness on the ground that it is immaterial and not proper cross examination.
- 334 Q:-That all revelations and everything affecting the church had to first be submitted to the quorums for their approval, and if approved

they became authentic, and if disapproved they were not? A:-I said then as I do now that that which purports to be revelations, before they can become binding as matters of law to the church, the rule is that they be submitted to the quorums and meet with their approval. That is what I stated then and that is what I state now.

325 Q:-They must first be submitted to the quorums for their approval? A:-Yes sir, for their examination and approval before they become law.

336 Q:-Now then are revelations considered as binding when they are submitted to the representative counsellings of the church, and endorsed in that capacity?

Counsel for the plaintiff objects to the question asked the witness for the reasons and on the grounds that it is incompetent, irrelevant and immaterial and not cross examination.

A:-Do you mean the Conferences?

337 Q:-Yes sir? A:-That depends. Matters presented to the Conferences may be adopted by them and thereby become standards of reference in the settlement of disputes or controversies that may not even be in the form of revelation, and in that way they become binding upon the church.

338 Q:-If they are not revelations they have the same effect? A:-If they have the effect upon the church of changing its organization or rules or laws, or any thing of that kind, they have to be submitted to the church. Conferences may adopt resolutions governing its own work, and a resolution so adopted is binding upon the conference, but not as binding as a revelation, and it is not binding upon the church for the reason that it has not been submitted in the way that a revelation has to be submitted or anything that has the effect of changing the laws or rules of the church or affecting ~~XXX~~ a question of doctrine.

339 Q:-Well now is it not a fact that you do not regard that inspired translation as a revelation? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not proper cross examination and calls for an opinion of the witness.

A:-What is that?

340 Q:-Is it a fact that you do not regard the inspired translation as a revelation? A:-We regard it, and take it for just what it purports to be, - a correction and translation of the old and new testaments by the spirit of Inspiration by Joseph Smith, and place it side by side with the book of Mormon and the Covenants.

341 Q:-Do you consider it infallible? A:-No sir.

342 Q:-Do you consider the bible to be infallible?

Counsel for the plaintiff objects to the question asked the witness for the reasons last above set forth.

A:-No sir.

343 Q:-Then you do not consider the bible to be infallible? A:-No sir, we do not consider anything that passes through human hands to be infallible. We do not even hold the laws of the State of Missouri to be infallible. We do not believe in the plenary inspiration of the bible and therefore do not believe it to be infallible.

344 Q:-You don't? A:-No sir.

345 Q:-And you express the same views with reference to

the book of Mormon?

Counsel for the plaintiff objects to the question asked the witness for the reason and on the grounds that it is incompetent, irrelevant and immaterial, and not proper cross examination and calls for an opinion of the witness.

346 Q:-As to its fallibility or infallibility? A:-Understand me, -we hold that everything that passes through human hands to be fallible. We don't believe that any thing that passes through human hands must necessarily be perfect, therefore we hold that everything that passes through human hands is mutable and therefore not infallible.

347 Q:-Well now is that your view with reference to the revelations in the book of Doctrine and Covenants? Is that your view with reference to the revelations as printed in the book of Doctrine and Covenants which you have adopted?

Counsel for the plaintiff objects to the question asked the witness for the reasons set forth in the preceding objection.

A:-Taking that book as a whole that is our view regarding it. Now let me illustrate, -in the Inspired Translation we find in the new testament scripture we find this kind of thing in reference to Jonah being three days in the belly of the whale, ~~XXXXXXXXXX~~ ~~XXXXXXXXXXXX~~ it says "as Jonah was three days in the heart of the whale, so shall the son of man" etc. Now that is manifestly an error, and we do not therefore believe it, for it is so manifestly an error that it is not necessary to believe it.

348 Q:-And you find that in the new translation? A:-Yes sir.

349 Q:-In the Inspired Translation? A:-Yes sir.

350 Q:-Well is it correct? A:-Certainly it is not, -it is a typographical error.

351 Q:-Well did you ever look to see where that error arose? A:-Yes sir, we have examined, and it was not in the manuscript or in the copy that was furnished the printer, but it is an error in the proof reading.

352 Q:-That is where the error was? A:-Yes sir, in the proof reading. It was an error of the printer that set up the type that escaped the proof reader.

353 Q:- Well now do you, or do you not hold that that original manuscript, from which the inspired translation was made, was itself infallible? A:-No sir.

354 Q:-Then you don't even hold that that is infallible? A:-No sir, we do not hold anything to be infallible that passes through human hands. I have told you that at least six times, -that we don't hold anything to be infallible that passes through human hands, for they are all of them subject to human mutations.

355 Q:-That is a revelation to whom? A:-It is the translation and correction of the old and new testament made by Joseph Smith through the gift and the spirit of inspiration. Now to show you that human error has crept into even the King James translation as it is called, there is one place where it tells you that the disciples were all out on the water, and they were filled with water, and if that is so they were in a queer fix. If they were filled fear it would be a different thing, but it says that they were filled with water. Now you would not say that the human, - that the bible was infallible in that respect. Now in another place it says that they waked up in the morning, and it says that they were dead men, and in another place in Isaiah it says "I will send

them a servant that is blind and dead." That is not infallible. I only quote these instances to show that everything that passes through human hands is mutable and cannot be considered as infallible, and to that end I could go on and offer further proof if it was necessary. As a further instance in the King James translation where it states that a son began to reign two years before his father. Now there may be errors of that kind in the inspired translation, and if there is any they are fallible, for they are the result of human agency, and therefore fallible. It is for these reasons that I hold that anything that passes through human hands is liable to error and hence cannot be claimed to be infallible.

356 Q:-Well will you apply the same line of reasoning to the plates from which Joseph Smith translated the book of Mormon?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not cross examination and calling for an opinion of the witness.

A:-I will say this that the plates say themselves that if there are errors in them they are the errors of men.

367 Q:-And you say the same of the original manuscripts from which the King James translation was made?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A:-Yes sir.

358 Q:-And the reasons and examples you have given is what you predicate that opinion ~~XX~~ upon? A:-Yes sir I say that for the reason that we have no manuscript or any knowledge of any that goes very much back of the fourth century of the Christian era, and the most of them date from ~~XXX~~ about the seventh or the eighth century, and surely all of these are subject to human mutations.

359 Q:-Now let me ask you this question, -is there anything in your church either in doctrine or practice or what is considered to be authority that you regard as infallible? A:-So far as our action or allegiance to any rule or doctrine of faith or practice is concerned, -so far as anything comes and is accepted by the church as a rule for its guidance either in faith or practice the matter of fallibility or infallibility does not enter into the question. There is no tribunal this side of the Judgment seat of God that can determine whether anything is true or is not true, but when anything is accepted of course it is binding upon the church, although we do not attempt to pass upon the question of fallibility or infallibility. We simply decide these matters according to the light that is given to us, and we are liable to be in error, for we recognize that this side of the judgment seat there is no tribunal that can decide that matter.

360 Q:-Men belonging to your church now I believe profess to receive revelations occasionally? A:-Yes sir.

361 Q:-Are not such revelations not considered infallible?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

A:-No sir.

362 Q:-They are not considered to be infallible? A:-No sir. If they are received from any source, or through any person and they purport to be revelations from God, we examine it and compare it with

what we have received on the same subject, or what is in the bible, the book of Mormon and the book of Doctrine and Covenants, and we find that it is not at variance with anything there, and it is then received as a revelation from God, why then it becomes binding upon us as a belief, and we conform to it, - that is we take it and give it the same force as the statute law.

363 Q:-Do you then regard it as fallible or infallible?

A:-We take it without reference to its fallibility or infallibility. We do not attempt to decide that, for the fallibility or infallibility of its character is to be determined by and by.

364 Q:-At the risk of repeating a question that has been asked before probably, I will ask you if it is the position of your church that the authority of a revelation from God depends upon its endorsement by a man, or by any body of men?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and is not cross examination, and calls purely and simply for an opinion of the witness.

365 Q:-Answer the question? A:-That which is or was presented to us as a revelation from God is examined, and if in our opinion it be subversive of that which has been received before as revelations from God and accepted as the doctrine of the church, then it is rejected.

366 Q:-You reject it? A:-Yes sir, we take the risk of rejecting it in that case, although it may be from God. It does not derive its authority from the fact that it comes to us as a revelation from God, - it derives its authority from our acceptance of it, - in other words its authority and force as a binding mandate upon us derives its authority or weight in that respect from our acceptance of it, - authority merges in it upon our acceptance, and not until then.

364 Q:-Now then you have stated in your examination in chief, - as I understand it, - you have stated in your evidence as I understand it that the re-organized church is precisely like the church prior to the death of Joseph Smith with reference to a certain doctrine or doctrines?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.

A:-I made no such an answer to any such a question.

365 Q:-I did not say you made any such an answer to any such a question, - the question I asked you was if I understood you correctly when I understood you in your direct examination to say that the re-organized church at the present time, and always has been similar to the church prior to the death of Joseph Smith?

Counsel for the plaintiff objects to the question asked the witness for the reasons above set forth.

366 Q:-Now don't you recollect that you did? A:-I think not.

367 Q:-Well may that not be one of the cases where fallibility sets in and prevails?

Counsel for the plaintiff objects to the question asked the witness for the reason that it is incompetent, it relevant and immaterial, and not cross examination, and calling for an opinion of the witness, and for the further reason that no such proposition was put to the witness in his direct examination today, and the witness has testified to no such a proposition.

- 368 Q:-Well we will take what the witness says about it, for your recollection and mine differs as to that proposition? A:-Well sir, I will say this that I am mistaken if any such a question was asked me, for if it was I have no recollection of it whatever.
- 369 Q:-Well you say you have no recollection of such a question being asked you on your direct examination? A:-No sir, I don't recollect it now if it was, but I am willing to answer the question however. I have no objection to answering it at all. Neither that or any other question.
- 370 Q:-Well what is your answer? A:-It may be so, but if it is, it is within the line of fallibility. My answer to that is the same in ~~XXXX~~ character as the other answers.
- 371 Q:-That brings us up to a great deal that was said this morning as I remember it in reference to secret societies in the church I believe? A:-Yes sir, I recollect that that question was up.
- 372 Q:-Now am I mistaken when I say that I understand you to maintain that there is no secrets in the re-organized church? A:-I have not said anything about it for I have not said there was or was not.
- 373 Q:-You have not? A:-No sir.
- 374 Q:-Well then my memory is certainly at fault if you have not? A:-You certainly are in error if you suppose or assume that I have, for what I said was that I knew of none that were authorized by the books, and none were existing as a duty and obligation on the part of the members that were imposed by the church as a duty or obligation on its members.
- 375 Q:-Now Mr. Smith you have reached exactly the point I want to get at, -? A:-Recollect I say there is none that I know of, for I am speaking within my knowledge.
- 376 Q:-Well I want to predicate a question upon that, -and it is this, -whether though you claim that certain lines of conduct are not authorized by rule or precept, yet they may be practiced in the church?
- Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is incompetent, irrelevant and immaterial, and not proper cross examination.
- A:-I will say that there is no such a practice authorized or sanctioned by the church at all. The church simply does not propose to interfere with the privileges and desires of its membership in that respect. If they choose to belong to the Masons or Odd Fellows or any other secret organization they are at liberty to do so as far as the church is concerned. That is their privilege and they can belong to the Knights of Pythias or any other organization so long as they preserve the rights of citizenship and general good conduct. The church does not propose to interfere with them for belonging to any of these orders.
- 377 Q:-Well that anticipates my question, for I was going to ask you if you disciplined them for belonging to these organizations? A:-No sir, I have never known of a case where that was done. I have never known of a case where it was necessary or where it was thought of. It is simply a question of personal privilege that the church does not propose to interfere with. ~~XXXX~~ The church as far as that is concerned neither teaches nor endorses nor sanctions nor condemns these secret organizations, -it stands perfectly neutral on that question.
- 378 Q:-Is it not a fact that you recognize a doctrine as

authoritative which prohibits ~~XXXXXXXXXXXX~~ the
 revealment of certain things to the world at large?
 Counsel for the plaintiff objects to the question asked
 the witness on the grounds and for the reasons that
 it is not proper cross examination, and is incompe-
 tent, irrelevant and immaterial.

A:-I know of nothing that prevents me from telling
 everything I know to the world on proper occasions.

379 Q:-Does that answer apply equally to everything that
 was or is practiced in the church? A:-Yes sir. So far
 as I have any knowledge of it.

380 Q:-That has always been the case you say? A:-Yes sir.
 No man has ever been asked not to answer a question,
 or charged not to reveal anything he knows in regard
 to the church or its doctrines, practice or organiza-
 tion. That is the fact Colonel, neither is there a
 rule in the church that puts a stopper on the tongue
 of any man or his conscience.

381 Q:-A man then is perfectly free in that regard?

A:-He is.

382 Q:-I believe you have also stated, that there is nothing
 in your doctrine prescribing a penalty for indulging
 in those things that are found in some societies,-
 secret societies by the member of your church?

A:-I will not say that, for I don't know what obliga-
 tions are imposed on members of the church in secret
 organizations which they may join. I cannot say as
 to that, for I am not familiar with their practices
 in that regard. Now to illustrate I will say that
 any member that joins any secret society that is sub-
 versive of human rights such a practice is reprehen-
 sible by the rules of the church, and is condemned by
 the church, but the church don't know what they are.

383 Q:-Now Mr Smith, if there was some doctrine or practice
 in regard to anointing the head with oil or other
 parts of the body, -some habit or practice, or form pre-
 scribing a certain kind of dress to be worn, an initia-
 tory rite, -have you anywhere in your church anything
 that fixes a penalty, so that the member participating
 in it shall be excluded from the church or otherwise
 punished for so doing?

Counsel for the plaintiff objects to the question asked
 the witness on the ground that it is not cross exam-
 ination, and is irrelevant and immaterial.

A:-If there was any rule of the church prohibiting
 anything of that kind, there would be a penalty
 attached, but as there is no rule there consequently
 is not any penalty.

384 Q:-You say there is no such a rule in your church?

A:-There is no such a rule that I know anything
 about, further than the Doctrine and Covenants says
 "let your garments be clean, and the ornaments there-
 of the work of your own hands." There is no rule that
 requires any person in an initiatory ordinance to
 wear any particular kind of a garment, or to be or-
 dained in any particular kind of dress made after
 any particular fashion.

385 Q:-Is there a principle recognized in your church
 that Christ himself instructed his disciples not to
 reveal certain mysteries of the kingdom?

Counsel for the plaintiff objects to the question asked
 the witness for the reasons above set forth.

A:-We read the command of the Saviour to his disci-
 ples, and accept it for just what it purports to be.
 That is what we do, for there is no rule amongst us
 in reference to it at all.

- 386 Q:-Are not the teachings of Christ an authority with you? A:-Yes sir.
- 387 Q:-You accept the teachings of Christ as an authority? A:-Yes sir, of course we do. They are an authority with us so far as they are applicable.
- 388 Q:-And are they not all applicable? A:-I presume not.
- 389 Q:-Are any of them fallible? A:-We are not disposed to state that that which came from the Saviour is fallible. Christ is the only law giver, -the only infallible law giver which we know anything about. We do not claim that he is fallible, but we do claim that the translation of his commands or words came through human hands, that the version we have of it that in so far as it has been affected by human agency is fallible, or may be fallible.
- 390 Q:-Is there not a statement in the book of Covenants that such things are not to be given to the world? A:-There is a commandment or statement in the book of Covenants that certain things that they had amongst them at that time, -whatever they were, -were not to be revealed.
- 391 Q:-Well do you recognize that statement as an authoritative law of your church? A:-I could not say, but I would know if I knew what those specific things are that were thus prohibited.
- 392 Q:-You have been enquired of as I see it at some length, with regard to what you knew as to your father's conduct and habits, while you were a boy at home there in Nauvoo? A:-Yes sir.
- 393 Q:-Well that was enquired into very extensively? A:-It was inquired into, but as to whether or not it was extensively inquired into that would be a matter of opinion.
- 394 Q:-Well for that reason, may I not, with your approbation-pursue the inquiry a little further? A:-I have no objection sir, for I am here to answer any question you may ask me.
- 395 Q:-Mr Smith will appreciate the feeling which prompts me to ask the question in that way? A:-Well Colonel you will understand that I have no feeling in the matter, so proceed with your inquiry without regard to my feelings, for I have none whatever in the matter.
- 396 Q:-Well I thought you would appreciate the feeling that actuated me when I put the question in that form? A:-I repeat that I have no feeling, and I am here to answer any and every question that is legitimate, or that has any bearing in this case in any way shape or form. I will answer any question you put to me that meets with these requirements.
- 397 Q:-Well with that understanding we will proceed. At the outset of the inquiry it would be proper to inquire, wouldn't it, as to what was your age when your father died? A:-He was killed in June and I would have been twelve years old the next November.
- 398 Q:-He was killed in June and you would have been twelve in the following November? A:-Yes sir, I was just lacking the number of months of being twelve years of age, that there is between June and November.
- ~~398 Q:-~~ He was killed on June 27th and I was twelve years old the following 6th of November.
- 399 Q:-When were you born? A:-I was born in 1832 and my father was killed in 1844 on the 27th of June.
- 400 Q:-Now I am going to try and make my inquiries in unobjectionable language as regards the topics that I am going to inquire of you regarding? A:-I know you will do that Colonel.

- 401 Q:-Now if it be a fact Mr. Smith that your father indulged in the practice or practices, about which the inquiries have been made this morning of you, -is it not a fact that he would have taken special pains to conceal from you, his twelve year old son, his ten year old son or his eleven year old son, or whatever your age was, -is it not a fact that he would have taken special pains to conceal it from you? A:-What is that I don't just exactly get at what you mean?
- 402 Q:-Well I asked you if it is not a fact that if your father indulged in the practice or practices about which you were questioned this morning, that he would have taken especial pains to have concealed from you his ten or twelve year old son, the fact that he was indulging in those practices? A:-I cannot answer that question Colonel.
- 403 Q:-You say you cannot answer that question? A:-No sir that is more than I can say, for anything I might say on that matter would be merely my opinion.
- 404 Q:-Well I think an opinion on that would not be out of the way? A:-Well when it comes to that I don't know that I have any opinion on the subject, and all that I have to say that he would be a wise man who, indulging in that practice would keep it from his family.
- 405 Q:-You think it would be a wise man that would keep it from his family? A:-I certainly think that he would display wisdom, who practicing practices like that would keep it from his family. I would consider it an evidence of caution in him to do so that would be commendable at least as evidencing his desire to avoid trouble over the matter.
- 406 Q:-You think that he would be a wise man? A:-Yes sir, I know that if I was doing anything like that that I would try and keep it from my boys, for I would not want them to know anything of the kind, especially the elder one.
- 407 Q:-You would not want to let your boys know anything about it? A:-Certainly not.
- 408 Q:-Well now if your father was practicing these practices would he not be likely to keep it from you if possible? A:-I have no answer to make other than I have. I know what I would do about it.
- 409 Q:-Well that rule of action would be equally applicable to his wife, -that is to your father's wife, and your mother Emma Smith wouldn't it? A:-Well I am only presuming in reference to this, so I will say that I presume so.
- 410 Q:-Well you need not make it as a presumption, -might not you state it as a fact from what you know of the shrewdness and ability of your father? A:-What is that?
- 411 Q:-I say you need not put it in the form of a presumption, for would you not state that that is the fact from what you know of the shrewdness and ability and general character of your father, -would you not say taking these things into consideration that the course you have stated as being the one you would pursue would be the one that he would follow? A:-I will tell you Colonel that so far as my knowledge goes, there was never anything of the kind known in the family, and I will say further that I believe that it was absolutely impossible for such things to have been without my knowledge.
- 412 Q:-Well I understand you have already stated that? A:-Yes sir, I have and that is the fact.
- 413 Q:-Well I will say this Mr. Smith that I have not the

least doubt in the world as to your sincerity and implicit belief in what you state? A:-Well that is the fact,-I don't believe there was ever such a thing dreamt of even before father's death, and for that reason any other answer that I might give would be merely supposing a case which I am convinced never had the shadow of a foundation in fact. I cannot say what would be the action or judgment of my father in keeping it a secret. I simply state the fact that such a thing was never known in the family or even whispered or dreamt of, and what his motives were in keeping it a secret, supposing he actually practiced it, is something that I am unable to state. What might have been his methods and motives for and of concealing it from the family, or keeping it a secret so the family would not know anything about it, I am not prepared to say, assuming of course for the sake of argument, so to speak, that he had actually practiced it and did keep it a secret from his family.

414 Q:-Now you have been testifying have you not with reference to your knowledge of these matters? A:-Yes sir, I presume I have.

415 Q:-Well don't you know you have been Mr. Smith? A:-Yes sir, as far as my knowledge goes I have.

416 Q:-Yes sir, I take it so? A:-Yes sir, that is a fact.

417 Q:-Now what I am inquiring about is whether the presumptions are not all against your having any knowledge of these transactions?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons that it is incompetent, irrelevant and immaterial, not cross examination and calls for an opinion of the witness only.

A:-I think not. I can't see it in that light Colonel.

418 Q:-You think not? A:-Yes sir. You asked me for my presumption, and my presumption is that the absolute absence of any knowledge of that kind on the part of his family, leads me to believe that there is nothing in it, and that there is no truth in fact in it.

420 Q:-Well now assuming that he was guilty of these practices is it not a reasonable presumption that your father would have concealed it from his family?

A:-No sir, not under the conditions alleged, for it is charged that his wife knew of it and consented to it.

421 Q:-Well viewing it in the light that there was no such a charge made, that she was privy to it. I am not proceeding upon the assumption that she was privy to it,-I am proceeding upon the assumption that she was not privy to it, and ask you if it is not the presumption that if your father was guilty of these practices, wouldn't he have taken the necessary steps to conceal it from his family? In that connection I might say you father or any body else's father? A:-Yes sir, I should think he would have done so if he was guilty.

422 Q:-And if he did do so, what he did was successful?

A:-No sir, I don't say that.

423 Q:-Well I say if he did do so he was successful in concealing it from his wife and family? A:-Yes sir, I would say that if he did do so he was successful in concealing it from his wife and family.

424 Q:-Well now that is an answer to my question? A:-Yes sir, I hope it is.

425 Q:-And that is all you state in reference to it? A:-Yes sir.

Counsel for the plaintiff objects to the last question asked the witness for the reasons that it is incompetent, irrelevant and immaterial, not cross examination and calls for an opinion of the witness only.

426 Q:-Now is it or is it not a fact that your father had

a guard there around the house during the last days of his life,-or perhaps I should say during the latter part of his life?

Counsel for the plaintiff objects to the question asked the witness for the reasons and on the grounds that it is incompetent, irrelevant and immaterial, and not proper cross examination.

A:-I never knew of any guard being stationed around the premises until after my father's death, and know there was then when my mother was moved out of the Mansion house and lived across the road. There was a guard set there then. I know this, that the time of the attempted abduction to Missouri, there was for a few days parties on watch and in the house, but I never knew of any one being stationed around the house for what you would call a guard.

426 Q:-Then you say there was no guard? A:-No sir, there was no guard that I know of. There may have been individuals there watching, but I am confident there was no guard at any time only the time that I have spoken of,-that is, there was no one that was recognized by the family as men on guard. I know that it has been frequently stated that there was men on guard, but if there was at any time other than this time of the attempted abduction to Missouri, that I knew nothing of it.

427 Q:-Now I would be pleased for you to answer this question,-whether your mother ever gave you directions at any time to look after your father's whereabouts? A:-Never unless she wanted him and sent me after him, and then I know I never found him any place but where he had a legitimate right to be.

428 Q:-Well did you always find him? A:-No sir.

429 Q:-Why not? A:-Well if he mounted his horse and went out in the country ten or twelve miles I could not find him. If he went out in the country on business of course I could not find him, but if he was called out of the office to administer to some one or some of the duties of his position then of course I would not find him. My father was a busy man, and there was not much of his time spent in idleness, and I don't think he had much time other than that necessary to attend to the legitimate duties of his position.

430 Q:-Sometimes you say you would not find him? A:-Yes sir, and I never was sent for him except in proper hours either.

431 Q:-I believe,-at any rate I will ask you the question as to whether or not the re-organized church has published a biography of your father? A:-A biography of my father?

432 Q:-Yes sir, an auto-biography of your father and of yourself? A:-The office has published a book in which there is a chapter written by myself.

433 Q:-What is it about? A:-Something in regard to my own history.

434 Q:-And of course you maintain that is true to the best of your knowledge and belief?

Counsel for the plaintiff objects to the question asked the witness on the ground that it is incompetent, irrelevant and immaterial, and not cross examination.

A:-Yes sir, so far as I know it is true.

435 Q:-Is it or is it not a fact that you knew prior to your father's death that he was charged with the practice of polygamy? A:-I knew nothing about it prior to his death. I simply saw it as it was stated in the Times and Seasons.

436 Q:-Well what was that? A:-What was called the John C. Bennett arraignment.

- 437 Q:-That was with reference to the charges made by John C. Bennett? A:-Yes sir.
- 438 Q:-Were you familiar also with the charges made in the Expositor? A:-I never saw the Expositor at that time. I never saw it until after his death. I will say that I never at any time saw but one copy of it until the time that I saw the copy that was published here last spring. I saw one, or a part of one of the original papers before that.
- 439 Q:-What was the substance or character of the charges that you saw in the Expositor prior to his death? Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not cross examination, and is incompetent, irrelevant and immaterial.
- A:-I did not see prior to his death. I said I saw it after his death.
- 440 Q:-After the death of your father? A:-Yes sir.
- 441 Q:-How long after his death was it that you saw it? A:-Oh I could not say how long it was.
- 442 Q:-You can't say when it was, only that it was after his death that you saw it? A:-Yes sir.
- 443 Q:-Was the publication that you saw made prior to his death? A:-I think not.
- 444 Q:-Where was it published? A:-I think it was published in that paper that was destroyed there.
- 445 Q:-That is the Expositor? A:-Yes sir.
- 446 Q:-Were you or were you not present at the time of the destruction of the office of the expositor? A:-I was not.
- 447 Q:-Did you hear any statements made at or about that time by your father, with reference to the destruction of the Expositor? A:-Did I hear any statements from him?
- 448 Q:-~~Yes sir?~~ Yes sir? A:-I remember hearing him tell a crowd of men on the street that they had done that which would cause us trouble. That is what I heard him say.
- 449 Q:-How many men was there in that crowd? A:-There was some forty or fifty.
- 450 Q:-That is all the statement that you heard him make, is it, with reference to the destruction of the press? A:-I don't know what it referred to. I only inferred that it referred to that from the circumstances.
- 451 Q:-Well what else was said in that speech that you remember? A:-Well you could not call it a speech, for it was not made in the form of a speech. They were on the street, these men were, and had come down the street together, and I heard him make that statement to them.
- 452 Q:-And you did not know what it was he referred to that would cause or make trouble? A:-No sir, not from anything he said, but as I have already stated, I inferred that it referred to that matter of the destruction of the office. I knew that from the excitement that prevailed there. Now that is what I thought, but it is only my belief. I might be fallible about it Colonel, -I don't pretend to state it as a fact, but only as a conclusion of mine, which of course is liable to error.
- 453 Q:-I understood you to say that you knew the time and the day when the office was destroyed? A:-Yes sir. I knew it as a passing event though I was not present. I think there is no doubt but that was

the fact, for I saw some of the type from the office that was picked up after it was destroyed. Now Colonel, that was the way I knew it, simply as a passing event, or an event that had already occurred, although I was not present. Don't imagine that I am defending the act, for I would not defend such an act though it was committed by anybody. It was a wrong thing to do and not defensible on any ground whatever, no matter who did it.

- 454 Q:-Did or did not Melissa Mott ever live there at your father's house before his death? A:-Yes sir.
- 455 Q:-She lived there before your father's death? A:-She did.
- 456 Q:-For how long did she live there? A:-For about eight or ten months.
- 458 Q:-About what age was she at that time? A:-As near as I can remember she would be somewhere from eighteen to twenty two.
- 459 Q:-At the time she lived there she would be about somewhere from eighteen to twenty two? A:-Yes sir.
- 460 Q:-What did she do there at your father's house? A:-She did some work there, -boarded there and went to school for about ten months I think.
- 461 Q:-What time was it that she lived at your father's house? A:-Well I believe it was pretty close towards the close of his life that she lived there.
- 462 Q:-Pretty well towards the close of your father's life? A:-Yes sir.
- 463 Q:-You also stated that Lucy Walker was there at your father's house? A:-Yes sir.
- 464 Q:-What age was Lucy Walker when she lived there? A:-Well she was somewhere about from fifteen to sixteen years old, -I think she was some five and a half years older than I was at that time.
- 465 Q:-How long did she remain there at your father's house? A:-Well I could not state positively, but I should think she was there about a year and a half, or such a matter as that.
- 466 Q:-What house were you living in at the time she lived there, -was it the old house or the Mansion house? A:-Well she was with us when we lived in both houses. She was there at the time we left the old house and moved into the Mansion House. I remember that she did dining room work there in the Mansion House.
- 467 Q:-What time did she leave your father's house? A:-Well it was some little time before father's death, -I could not say exactly as to the time, but it was some little time before father's death.
- 468 Q:-At about what age was she when she left there? A:-She was about seventeen.
- 469 Q:-So that when she testified about the matters which you have been testifying here, -when she testified that these things occurred she was a girl about from sixteen to seventeen years of age? A:-She was about fifteen or sixteen years of age, -somewhere from that to seventeen.
- 470 Q:-Soon after that time she left Nauvoo, didn't she? A:-No sir.
- 471 Q:-Well soon after your father's death she left Nauvoo, did she not? A:-Yes sir, I think it was pretty soon after that. I think they left there in the spring of '46, -that is a portion of the family and herself left.
- 472 Q:-Did she marry Kimball at Nauvoo? A:-Well I could not tell you when she married him, for I don't know.

- 473 Q:-You don't know when she married him? A:-No sir.
- 474 Q:-Did you know the Partridge girls? A:-Which ones.-
I knew two of them.
- 475 Q:-Did you know Emma Partridge and Eliza Partridge?
A:-I knew Eliza and Emily Partridge.
- 476 Q:-Did they live there in your father's family?
A:-I think they did.
- 477 Q:-Well do you know whether they did or not? A:-I think
Emily did at one time, and also Eliza, but that that
is not so steadily in my memory as Lucy Walker.
- 478 Q:-Well you recollect that they lived there in your
father's house for awhile? A:-Yes sir, I think they
did.
- 479 Q:-Were they young ladies at the time they lived t
there? A:-Yes sir.
- 480 Q:-Well about how old were they if you remember?
A :---Well Eliza was old enough to be called an old
maid, and Emily was verging on twenty or twenty two
or twenty three,--some where along there. I remember
them very well for Emily was a very intelligent
young woman,--intelligent and bright and came of a
good family and was in every way a very nice appear-
ing young woman. I remember that.
- 481 Q:-Did Maria and Sarah Lawrence ever live there at
your father's house at any time? A:-No t that I
know of.
- 482 Q:-Do you say that they never lived at your father's
house? A:-I say that they never did that. I know,--not
to say lived there, but they have visited there and
stayed there for awhile on a visit. ^{for I remember seeing} I knew them very
well as also their step-father and brother and mother.
- 483 Q:-Do you know when the Lawrence people and the Part-
ridge people left Nauvoo? A:-I do not. I do not know
the precise time that they left there.
- 484 Q:-You do not know when they left there? A:-No sir,
I don't know whether they left there in '45 or wait-
ed until the exodus in '46.
- 485 Q:-What time did your mother leave there? A:-We left
there on September 12th 1846.
- 486 Q:-Did your mother ever return there again? A:-Yes
sir. We left on September 12th 1846 and returned
there the 19th of February 1847.
- 487 Q:-How long did you live there after you returned?
A:-My mother lived there until she died there.
- 488 Q:-Did she die in Nauvoo? A:-Yes sir.
- 489 Q:-I would be glad to get it in the record what time
she died? A:-She died in April '79 I believe. It was
the last day of April '79 that she died.
- 490 Q:-Was she there when the committee applied to her
for the manuscript? A:-Yes sir, she lived there all
the time,--that was her place of residence up to the
time of her death. She lived there all the time from
the time of my father's death up to the time of her
death, with the exception of the interval between
September 12th '46 to February 19th 1847.
- 491 Q:-Where did you live during the time? A:-I lived
there until January '66 when I moved to Plano, Illi-
nois, and from there I moved to Lamoni where I have
been located ever since, and am there now,--that is
that is my home.
- 492 Q:-Were they not away from there a part of the time,--
a few months at one time after your father's death?
A:-How is that,--I don't understand that?

*them there but my recollection is that they were
there simply on a visit.*

- 493 Q:-Were they not away from there at one time for a few months after your father's death? A:-Only from September '46 to February '47.
- 494 Q:-They were away from Nauvoo during that time? A:-Yes sir.
- 495 Q:-Do you know where these manuscripts were during that time? A:-I expect I do.
- 496 Q:-Well do you know where it was? A:-She had it with her.
- 497 Q:-Your mother did? A:-Yes sir.
- 498 Q:-Are you sure of that? A:-Yes sir. I remember that she took everything with her.
- 499 Q:-What day did you leave Nauvoo, and how did you leave it? A:-We left Nauvoo on the 12th of September on the steamer "Uncle Toby" commanded by Captain Grimes. The good folks drove us from there, -they drove us out of there, and they had cannon on the banks of the river, and told Captain Grimes they would blow him out of the water, or his boat out of the water I should say if he landed us there, so he could not land us there, so he landed us at another place, and we went from Nauvoo to Fulton, in Whitesides County, A and went back to Nauvoo from there by team in February 1847. Captain Van Tyle who had the house rented, was at that time making arrangements to leave there, that is to leave Nauvoo, and he intended to take the furniture with him, but we dropped down on him and stopped that, and three days after we reached home we were in possession of the house.
- 500 Q:-That was when you came back to Nauvoo? A:-Yes sir.
- 501 Q:-Do you know whether your father was a member of or adherent of any secret societies? ~~ANY~~ Any secret order of any kind? A:-I have so understood.
- 502 Q:-Well what did you understand about that? A:-I understood that he was a Mason.
- 503 Q:-Well that is my opinion too, -I am not giving that as testimony though? A:-I think he did, for I remember one time being sent to carry a message to him, and when I got to the place where he was I found a tyler with a sword at the door.
- 504 Q:-Well Mr. Smith, that was not at home, was it, -any where at home? A:-Yes sir, it was. It was right there on his own premises.
- 505 Q:-Where was it? A:-It was in a room over the store. It was a hall that was there over the store, and in the block in which he lived. Now I don't know whether he was a member of the Masons or not, that is of my own knowledge I don't know it, but I have been assured by a good Mason that he was.
- 506 I understood you to say that you don't know anything about how these things proceed? A:-No sir, I don't know anything about the Masons, Knights of Pathyas, Odd Fellows or Red Men or any other society of that kind, but I understand from reading their books something about them, and I have read the expose of the Masons.
- 507 Q:-Where was that hall located that you speak of? A:-It was on the north-west corner of the block, -the same block that my father lived in, -the city block as it was called.
- 508 Q:-What sort of a road was there from the residence to it? A:-A first rate, good, hard gravel road.
- 509 Q:-The residence was some ways from the street was it not? A:-Yes sir, it was a little ways from the street.
- 510 Q:-Were they both in the same enclosure? A:-Yes sir, they were enclosed with the same fence, but the store faced flush on Water Street.

- 511 Q:-They were both then in the same block you say?
A:-Yes sir.
- 512 Q:-And this hall was over the store? A:-Yes sir.
- 513 Q:-What means of access was there to the hall,-how did you get to it? A:-You went up through the store to the hall. You went into the store and went up the stairway on the inside of the building.
- 514 Q:-Was it your father's store? A:-Yes sir. Now it is only fair to state to you that the Masons built a building called the "Masonic Hall" afterwards, and a man by the name of Helm that was Grand Master of the State of Illinois, his name was on the impress of the lodge there, as being the man that organized the lodge and that building was about half a mile from my father's residence on the main street of the town.
- 515 Q:-Did you, or did you not state that you were acquainted, or had some knowledge of the charges made against your father with reference to other women besides his wife? A:-I know nothing about it only what was in print.
- 516 Q:-You ascertained nothing of that kind while you were a boy and at your father's house? A:-No sir.
- 517 Q:-Nothing of the kind? A:-No sir.
- 518 Q:-Now I am not inquiring as to whether you ascertained it by sight or not, but whether you heard any charges of that kind? A:-Nothing only what appeared in print,-that is all I knew about it.
- 519 Q:-I am confining my inquiry now to the time prior to your father's death? A:-I know nothing whatever about it, and have no knowledge of ever hearing anything about it at any time prior to my father's death.
- 520 Q:-I am inquiring now as to whether you heard any rumors with reference to polygamy,-any rumors as between other people,-whether you heard any rumors about polygamy prior to your father's death? A:-I did not.
- 521 Q:-You did not hear your father's name connected with that? A:-No sir.
- 522 Q:-Nor any one else connected with the church? A:-No sir.
- 523 Q:-Did you have any knowledge as to whether polygamy was at all practiced in the church there or by any members of the church prior to your father's death? A:-I have not.
- 524 Q:-What do you know, if any thing at all, about its being practiced there at Nauvoo after your father's death? A:-I know only by hearsay.
- 525 Q:-What is that? A:-I know only from what they said about it.
- 526 Q:-You know only from what they said about it? A:-Yes sir, what they said, and from taking cognizance of what transpired. I remember that I heard plenty of rumors after his death, especially in the fall of '45 and spring of '46 when they were getting ready to go west.
- 527 Q:-That is when you heard it? A:-Yes sir, that is when I heard most about it.
- 528 Q:-Was William Smith connected with these rumors in any way? A:-I think so.
- 529 Q:-Do you know whether he was or not? A:-I say I think he was.
- 530 Q:-Was Heber C. Kimball also connected with these rumors? A:-Yes sir.
- 531 Q:-Was Orson Pratt? A:-No sir, I never heard Orson Pratt's name mentioned.
- 532 Q:-Was Willard Richards? A:-No sir, not that I know of.

533 Q:-You did not hear his name mentioned in that connection? A:-No sir, not that I remember of now.

534 Q:-Was Mr. Page? A:-John?

535 Q:-Yes sir? A:-No sir, I don't think that John E. Page was ever connected with it in any way. I don't think that his name was in any way at any time ever connected with these rumors. If his name was ever connected ~~connected~~ with them I don't remember about it now.

536 Q:-Did you ever make any investigation with reference to these rumors surrounding any of these parties I have mentioned, with reference to ascertaining their truth or falsity?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial, and not cross examination.

A:-I did not, at the time though I afterward became cognizant of circumstances that satisfied me in regard to it.

537 Q:-Well what was the result of your investigation with reference to William Smith?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is not cross examination, and is incompetent, irrelevant and immaterial.

A:-I never made any inquiries in regard to it.

538 Q:-Did you not write to Jason Briggs upon the subject of the charges of that sort against William Smith, and did you not get a letter in reply, -did you not get a letter in reply to your letter?

A:-I will say that I don't remember writing to Jason W. Briggs in regard to it. I don't remember anything about my writing to him, but I recollect of his writing in regard to some conduct of William Smith's that was said to have taken place at Binghampton near Amboy, but what the nature of the correspondence was I would not hardly dare to say now, for I can't remember all about it, but that was the effect of it.

539 Q:-Do you say you never wrote to Jason W. Briggs upon the subject of William Smith's connection with polygamy, and asking him for documents upon the subject or any other testimony with reference to that charge against William B. Smith? A:-I say I don't remember what it was. I remember that I had a correspondence with Jason Briggs, but what the nature of it was I would not say. Jason Briggs I believe is still living and so is William Smith.

By P. P. Kelley, - "Plaintiff moves the court to exclude the last twenty interrogatories, because they are not cross examination and are incompetent, irrelevant and immaterial, and also move to exclude the answers for the same reasons."

By Mr. Southern, -

540 Q:-That is all.

By P. P. Kelley, - "I now offer in evidence on the part of the plaintiff from exhibit 'L' being the 'Times and Seasons', Saturday October 1st, 1842, in rebuttal, and offer that part on page nine hundred and thirty nine commencing at the middle of the first column at the words 'On marriage' and from thence on down to the words 'Abigail Works' in the middle of the first column on page nine hundred and forty, being the same part of the book that was introduced in evidence in connection with the cross examination of a witness in Salt Lake City, and ask that the reporter incorporate it in the record as a part thereof."

By Mr. Southern, - "That is objected to on the ground of irrelevancy and because it is not rebuttal."

The following is a true and correct copy of the extract

from Exhibit "L" above referred to.

On Marriage.

According to the custom of all civilized nations, marriage is regulated by laws and ceremonies; therefore we believe that all marriages in this church of Christ of Latter Day Saints, should be solemnized in a public meeting or feast, prepared for that purpose; and that the solemnization should be performed by a presiding High Priest, high priest, bishop, elder or priest, not even prohibiting those persons who are desirous to get married, of being married by other authority. We believe that it is not right to prohibit members of this church from marrying out of the church, if it be their determination so to do, but such persons will be considered weak in the faith of our Lord and Saviour Jesus Christ.

Marriage should be celebrated with prayer and thanksgiving, and at the solemnization, the persons to be married standing together, the ~~man~~ man on the right and the woman on the left, shall be addressed by the person officiating, as he shall be directed by the Holy Spirit; and if there be no legal objection, he shall say, calling each by their names:—"You both mutually agree to be each other's companion, husband and wife, observing the legal rights belonging to this condition; that is keeping yourselves wholly for each other, and from all others during your lives." And when they have answered "yes" he shall pronounce them "husband and wife" in the name of the Lord Jesus Christ, and by virtue of the laws of the country and authority vested in him; "may God add his blessings and keep you to fulfill your covenants from henceforth and forever. Amen."

The clerk of every church should keep a record of all marriages solemnized in his branch.

All legal contracts of marriage made before a person is baptized into this church, should be held sacred and fulfilled. Inasmuch as this church of Christ has been reproached with the crime of fornication and polygamy; we declare that one man should have but one wife, and one woman but one husband, except in case of death, when either is at liberty to marry again. It is not right to persuade a woman to be baptized contrary to the will of her husband, neither is it lawful to influence her to leave her husband. All children are bound by law to obey their parents; and to influence them to embrace any religious faith or to be baptized, or leave their parents without their consent, is unlawful and unjust. We believe that husbands-parents and masters who exercise control over their wives, children and servants and prevent them from embracing the truth, will have to answer for that sin.

We have given the above rule of marriage as the only one practiced in this church, to show that Dr. J. C. Bennett's "secret wife system" is a matter of his own manufacture; and further to dis-abuse the public ear, and show that the said Bennett and his misanthropic friend Origen Bachelor, are perpetrating a foul and infamous slander upon an innocent people, and need but to be known to be hated and despised. In support of this position we present the following certificates:-

We the undersigned members of the church of Jesus Christ of Latter Day Saints, and residents of the city of Nauvoo, persons of families, do hereby certify and declare that we know of no other rule or system of marriage than the one published from the book of Doctrine and Covenants, and we give this certificate to show that Dr. J. C. Bennett's "secret wife system" is a creature of his own make, as we know of no such society in this place, nor ever did.

S. Bennett.

N. K. Whimney.

George Miller.
Alpheus Cutler.
Reynolds Cahoon.
Wilson Law.
W. Woodruff.

Albert Pettev.
Elias Higbee.
John Taylor.
E. Robinson.
Aaron Johnson.

+++++

We, the undersigned, members of the Ladies Relief Society, and married females, do certify and declare that we know of no system of marriage being practiced in the church of Jesus Christ of Latter Day Saints save the one contained in the book of Doctrine and Covenants, and we give this certificate to the public to show that J. C. Bennett's "secret wife system" is a disclosure of his own make.

Emma Smith, President.
Elizebeth Ann Whitney, Counselor.
Sarah M. Cleveland, Counselor.
Ediza R. Snow, Secretary.

Mary C. Miller.
Lois Cutler.
Thirza Cahoon.
Ann Hunter.
Jane Law.
Sophia R. Marks.
Polly W. Johnson.

Catherine Pettev.
Sarah Higbee.
Phebe Woodruff.
Lenora Taylor.
Sarah Hillman.
Rosanna Marks.
Angeline Robinson.

Abigail Works.

By Mr. Kelley, - "I now offer from the Times and Seasons, dated November 15th 1844, the editorial statement of John Taylor, as follows, - "For the communication of "an old man in Israel" and the letter of Elder Addison Pratt, from the islands of the Pacific Ocean, we bespeak a hearty welcome. They are genuine."

the communication of
Also the following from "An Old Man in Israel" commencing in the middle of page seven hundred and fifteen in the second column, with the words "the saints", and down to, - well including the whole of the paragraph.

By Mr. Southern, - "That is all objected to for the reason that there is no authority for the publication referred to, nor is there any party's name signed thereto showing that it is an authorized publication of the church, or an article published by the church or by its authority. This objection goes to both the last offers of the plaintiff."

By Mr. Kelley, - "This is the same article that was introduced by the plaintiffs in cross examination of the defendants' witnesses in Utah last March."

By Mr. Southern, - "Our objections made to these extracts from exhibit "O", - I want to be distinctly understood and stated all the way through, - we object to them as irrelevant and not rebuttal. This objection will be made to all the extracts offered or to be hereafter offered by the plaintiffs."

The extract above referred to last offered by the plaintiffs, is in words and figures as follows, -

"The saints of the last days have witnessed the outgoings and incomings of so many apostates that nothing but truth has any effect upon them. In the present instance, after the sham quotations of Sidney and his clique, from the bible, book of Mormon and Doctrine and Covenants, to skulk off under the "dreadful splendor" of "spiritual wifery" which is brought into the account as graciously as if the law of the land allowed a man a plurality of wives, is fiendish, and like the rest of Sidney's revelation just because he wanted "to go to Pittsburg and live." Woe

to the man or men who will thus willingly lie to injure an innocent people. The law of the land and the rules of the church do not allow one man to have more than one wife alive at once, but if any man's wife die, he has a right to marry another, and to be sealed to both for eternity; to the living and the dead. There is no law of God or man against it. This is all the spiritual wife system that was ever tolerated in the church and they know it."

By Mr. Kelley,—"I now offer from the Times and Seasons published Thursday, February 1st 1844, volume 5, page four hundred and twenty three, from exhibit "O" the notice, commencing at the bottom of the page in the first column, and ending at the top of the second column, with the word "church". Incorporate that in full in the record."

The extract from exhibit "O" above referred to, is in words and figures as follows,--

Notice.

As we have lately been credibly informed, that an elder of the church of Jesus Christ of Latter Day Saints, by the name of Hiram Brown, has been preaching polygamy, and other false and corrupt doctrines, in the county of Bapeer, state of Michigan.

This is to notify him and the church in general, that he has been cut off from the church, for his iniquity; and he is further notified to appear at the special conference, on the 6th of April next, to make answer to these charges.

Joseph Smith.

Hyrum Smith.

Presidents of said church.

We also offer from the same exhibit as above mentioned, under date of Monday April 1st, 1844, on page four hundred and ninety, from the middle of the first column commencing with the heading "TO the Elders abroad, down to and including the word "principles" in the first column of page four hundred and ninety one inclusive. Incorporate that also in full in the record."

By Mr. Hall,—"That is objected to on the ground of irrelevancy, and there is no signature showing by what authority it was made or published."

The extract from exhibit above XXXXXXXXXX offered in evidence by the plaintiff is in words and figures as follows,--

To the Elders abroad.

We very frequently receive letters from Elders and individuals abroad, inquiring of us whether certain statements that they hear, and have written to them, are true; some pertaining to John C. Bennett's spiritual wife system, others in regard to immoral conduct, practiced by individuals, and sanctioned by the church; and as it is impossible for us to answer all of them, we take this opportunity of answering them all, once for all.

In the first place we cannot but express our surprise, that any elder or priest who has been in Nauvoo, and has had an opportunity of hearing the principles of truth advanced, should for one moment give credence to the idea that anything like iniquity is practiced, much less taught or sanctioned, by the authorities of the church of Jesus Christ of Latter Day Saints.

We are the more surprised, since every species of iniquity is spoken against, and exposed publicly at the stand and every means made use of that possibly can be, to suppress vice, both religious and civil; not only so, but every species of iniquity has frequently been exposed in the

Times and Seasons, and its practitioners and advocates held up to the world as corrupt men that ought to be avoided.

We are, however, living in the "last days", a time when the scriptures say "men shall wax worse and worse; deceiving and being deceived", in a time when it is declared, "if it is possible the very elect should be deceived." We have in our midst corrupt men (and let no man be astonished at this, for "the net shall gather in every kind, good and bad") these corrupt men circulate corrupt principles, for a corrupt tree cannot bring forth good fruit; these spread their pernicious influence abroad "they hatch cockatrice's eggs and weave the spider's web; he that eateth of their eggs dieth, and that which is crushed breaketh out into a viper, their words eat as doth a canker, the poison of asps is under their tongues, and the way of peace they have not known" Such men not unfrequently go abroad and prey upon the credulity of the people, probably have clandestinely obtained an ordination, and go forth as elders, the more effectually to impose upon the public. Some have got horses and others money, under specious pretences, from the unwary and unsuspecting among the newly formed branches who have not had the sagacity to detect them.

There are other men who are corrupt and sensual, and who teach corrupt principles for the sake of gratifying their sensual appetites, at the expense and ruin of virtue and innocence. Such men ought to be avoided as pests to society, and be frowned down upon with contempt by every virtuous man and woman.

All of the above of whatever name or nature, are "reprobate concerning the faith"; if they write, they write corruptly; if they speak, they speak corruptly. They are such as the apostles speak of, they speak "great swelling words, having men's persons in admiration". - They are high and lifted up, and would trample upon the humble and meek, and the unassuming, and are not afraid to teach for the commandment of God their own corrupt and devilish doctrines and principles; let no man therefore be deceived by them, let no man harbor them, not bid them God speed; don't be partakers of their evil deeds.

If any man writes to you, or preaches to you, doctrines contrary to the bible, the book of Mormon, or the book of Doctrine and Covenants, set him down as an imposter. You need not write to us to know what you are to do with such men; you have the authority with you. Try them by the principles contained in the acknowledged word of God; if they preach or teach or practice contrary to that, disfellowship them; cut them off from among you as useless and dangerous branches, and if they are belonging to any of the quorums of the church, report them to the ^{presidents of the} quorum to which they belong, and if you cannot find that out, if they are members of an official standing, belonging to Nauvoo, report them to us.

Follow after purity, virtue, holiness, integrity, Godliness and everything that has a tendency to exalt and ennoble the human mind; and shun every man who teaches any other principles."

It being impossible to conclude the taking of the depositions in rebuttal herein, on this day, the further taking of the same is continued until Monday, August 15th at the hour of ten o'clock in the forenoon, to be continued at the place last aforesaid.

Now on this Monday the 15th day of August 1892, at the hour of ten o'clock, the same being the hour to which the taking of depositions herein was continued as aforesaid, come the parties hereto, and the further taking of testimony herein in rebuttal, on behalf of the plaintiff

was continued pursuant to adjournment.

W.W. Blair being sworn on the part of the plaintiff in rebuttal, testified as follows,-

Direct examination by Mr. Traber,-

- 1 Q:-Mr. Blair, have you been sworn in this case? A:-Yessir
- 2 Q:-I mean have you been sworn in it here-to-fore, and have you testified? A:-Yes sir.
- 3 Q - *Your name is W.W. Blair?* A:-Jason W. Briggs you mean, I assume?
- 4 Q:-Are you acquainted with Jason W. Briggs? A:-Yes sir.
- 5 Q:-Yes sir? Are you acquainted with Jason W. Briggs? A:-Yes sir.
- 6 Q:-His deposition was taken on the eighth day of June last at Denver, Colorado, and I would ask you whether you have read his testimony as given on that occasion? A:-I have read a small part of it this morning as it was presented to me.
- 7 Q:-From what did you read that testimony? A:-From what purported to be his deposition presented to me by Mr. Orr.
- 8 Q:-You mean Mr. Orr here, the Notary who is taking your testimony now, and who took Mr. Briggs' testimony? A:-Yes sir.
- 9 Q:-It was presented to you by Mr. Orr? A:-Yes sir, it was presented to me in the presence of Mr. Orr.
- 10 Q:-What portion of his testimony did you read? A:-That portion that referred to a purported lodge meeting,-priesthood meeting,- in which he says there was a purported revelation read by William Smith, and that I was present. Read I say by William Smith, perhaps I should say it was read in the presence of William Smith, and he was present at the time, and that I was also present.
- 11 Q:-Where was that read? A:-Well it would be as,-from what I understood from reading the testimony it would be in October 1851 at a place called Palestine in the vicinity of what is now called Amboy in Lee County, Illinois.
- 12 Q:-What was the subject of that revelation? A:-Well from his testimony it is something that related to a plurality of wives, I should judge.
- 13 Q:-Plurality of wives? A:-Yes sir,-polygamy, or plurality of wives. That is what I should judge it to be, judging purely from the testimony which I read.
- 14 Q:-Now you may state whether or not you were present at the time and place and meeting to which he refers in his testimony? A:-There was no special date given there, only that it was in October 1851, that I can find.
- By Mr. Southern,-
- 15 Q:-I think he said it was October 18th? A:-I did not discover any date on it.
- 16 Q:-Well I think that was the date? A:-Yes sir, I think he said it was in October '51. I never attended any meeting of that kind or anything that bore any relation or resemblance to it that I can recollect anything of, and I think I would remember,-
- By Mr. Traber,-
- 17 Q:-You did not attend a meeting of that kind? A:-No sir, nothing of the kind that I am aware of. Now in the winter afterwards there were meetings held and they dubbed them lodge meetings,-that is some of them called them lodge meetings. The purport or intention

A - Blair.

of the meeting was to be educative, and it was by some called a lodge.

19 Q:-What was the object of the meeting? A:-It was to be educative,-that is, it was for the purpose of discussing matters in regard to theology and church government and such as that, and those meetings while they were confined chiefly to the ministry, nevertheless there were others permitted to become members, and I do not now recollect that there was anything secretive about it so that it could be called secret meetings or anything of that kind, and in that sense it was mis-named, for it was not a lodge.

20 Q:-What kind of meetings did you say they were? A:-They were meetings of the ministry, but they permitted the membership to be present, at least to some degree, I know.

21 Q:-What did you say the object of these meetings were? A:-I said they were educative in their character,-that is for the purpose of discussing doctrinal questions and theological matters, for the purpose of better understanding these matters, and eliciting light by discussion of theological questions and matters of church government.

22 Q:-When did you attend these meetings? A:-Well I was never present at any of these meetings that I remember anything of not until November or December,-possibly later than that.

By Mr. Traber,-

23 Q:-November or December you say? A:-Yes sir, possibly it was later than that.

24 Q:-November of what year,-November or December of what year? A:-1851.

25 Q:-When did you join that body? A:-I united with that body of people I think on the eighth of October. If my memory serves me right it was the last day of their conference-and at that time of course everything was comparatively new to me,-their doctrines, teaching and church government and matters of that kind at that time were all new to me.

26 Q:-That is the time you joined the church? A:-Yes sir, that is the time I formally joined the church.

By Mr. Southern,-

27 Q:-You say that is the time you joined the church? A:-Yes sir.

28 Q:-Had you had nothing to do with the church before that time? A:-No sir,-that is the time I united with that body, and before that time I had simply been an investigator, and had been for some little time.

29 Q:-For how long had you been an investigator? A:-A few weeks or months perhaps.

30 Q:-You said that body of people,-what body of people did you refer to?

By Mr. Traber,-

31 Q:-I will ask you what body of people you referred to? A:-Those people that were at that point.

32 Q:-Well what body of people were they? A:-Those that were under the Presidency of William Smith,-they were Latter Day Saints under the Presidency of William Smith.

33 Q:-How many of them were there there? A:-There was only a small congregation of them there.

- 34 Q:-Now what have you to say with reference to the revelation spoken of by Briggs at the meeting to which he refers in his testimony? A:-The revelation,-
- 35 Q:-Yes sir, the revelation that he says read to the meeting to which he referred in his testimony? A:-He says that there was what he calls a revelation read to a meeting at which I was present. I say that there never was a revelation read to any meeting in my presence at any time or place while I was associated with William Smith. There was never such a thing read or presented at any meeting at which I was present either publicly or privately or in any other way, and I never saw any such a document or heard it read, nor did I ever hear of one, and so far as my memory now serves me I never heard of one having connection with that body of people or with William Smith until some time afterwards.
- 36 Q:-When was it? A:-Perhaps in '52 as near as I can recollect now that was the time, -some time in '52.
- 37 Q:-What time in '52 was it? A:-Possibly sometime in June or July of 1852.
- 38 Q:-Then what did you hear or understand? A:-Well I just heard at that time, for there was a rumor abroad that Joseph Wood and William Smith had something to say in favor of sealing or a plurality of wives in that sense of the term.
- 39 Q:-You heard that? A:-Yes sir, I heard of it, but I never saw the revelation or a revelation purporting to come from William Smith or Wood either. I never saw one and I don't think I ever saw one, -I mean I don't think I ever heard of one until 1852, and that was pretty near a year after this time that Briggs speaks of.
- 40 Q:-Now did you ever see a revelation? A:-I never heard of a revelation.
- 41 Q:-The question is did you ever see a revelation? A:-No sir, and I don't think I ever heard of a revelation prior to that time coming from that source or through one of them.
- 42 Q:-That is prior to the time you speak of? A:-Yes sir, but I heard that secretly there was something being said in favor of polygamy or plurality of wives, but I never heard it from Mr. Smith at any time.
- 43 Q:-Now do I understand you to say you heard it as a rumor? A:-Yes sir, I heard it first as a rumor simply.
- 44 Q:-From whom did you first hear it? A:-I think I heard it first of all from Alva Smith that is residing in Dickson, Illinois. That is the county seat of Lee County, and I heard it I think from Mr. Edwin Cadman.
- 45 Q:-From Edwin Cadman? A:-Yes sir.
- 46 Q:-Well I will let that pass, for I don't know that I care about telling you or, -I should say about your & detailing or telling from whom you heard it, -that is from whom you heard these rumors, but I would like to know if these rumors were of a general character, or whether it was a mere idle report? A:-I can't say that it was general but I know that it was communicated to me as a piece of news.
- 47 Q:-Now I will ask you if you investigated the rumor? A:-~~Well I investigated it some.~~ Yes sir, to some extent
- 48 Q:-To what extent did you investigate it? A:-Well I investigated it some.
- 49 Q:-Well now I will ask you if you had the means of properly investigating a rumor of that kind? A:-Well I can't say that I did only in ~~XXXXXX~~ the sense of talking to some of the membership in regard

- to it.
- 50 Q:-Then you did not see it? A:-No sir, I saw no written document.
- 51 Q:-You simply heard the rumor? A:-Yes sir.
- 52 Q:-Did you investigate the matter to ascertain or find out the truth or falsity of the matter? A:-Yes sir, I did to some degree.
- 53 Q:-Well with what result? A:-Well I found nothing confirmatory of it, - nothing whatever.
- 54 Q:-You did not find out anything that confirmed it? A:-No sir, that is so far as documents were concerned.
- 55 Q:-What do you mean by that? A:-Well I mean that I did not find anything mandatory, so to speak, that would touch it, coming from Smith. I did however in regard to Wood.
- 56 Q:-Now when was that? A:-I would not say whether it was in the spring or summer of 1852. Possibly it was in the summer sometime or a little later than that perhaps. Now that is all there was of that.
- 57 Q:-Well what about Wood's connection with it? A:-So far as Wood's relation to it is concerned there was nothing in that beyond a letter that purported to have been written by Wood that fell into the hands of this man Alva Smith, who at one time had been a member of the church, and he showed me the letter.
- 58 Q:-He showed it to you? A:-Yes sir.
- 59 Q:-Well do you recollect what its contents were? A:-Well there were things in that letter that smacked of advocating or defending the doctrine of plurality of wives.
- 60 Q:-Well now what relation, if any, did he hold at that time to Mr. Smith? A:-To William Smith?
- 61 Q:-Yes sir? A:-We understood that he was Counselor.
- 62 Q:-A Counselor? A:-Yes sir, or an adviser.
- 63 Q:-Did you know that to be the fact, - that is that he occupied that position to William Smith? A:-Well sir that is what I understood to be the fact. I know that soon after that time William Smith repudiated Wood.
- 64 Q:-How is that? A:-I say that I understood soon after that time he repudiated Wood.
- 65 Q:-Who repudiated him? A:-Smith. William Smith. I know that when I withdrew from William Smith's organization I had several reasons for so doing and among these reasons was the one of this letter, - I may say that the letter was one of the principal reasons that moved me to withdraw from his association.
- 66 Q:-Well now you say you withdrew from that association? A:-Yes sir, I did, and that letter was one of the principal reasons that moved me to do so.
- 67 Q:-Well now who was at the head of that association at the time that you withdrew? A:-William Smith was understood to be the presiding officer at that time.
- 68 Q:-Was this William Smith a brother to Joseph the prophet? A:-Yes sir. It was so understood, - commonly understood.
- 69 Q:-And the William B. Smith who has heretofore given his testimony in this case, as you understand it? A:-Yes sir.
- 70 Q:-Now when did you first connect yourself with the organization of which William B. Smith was the head? A:-It was in October, - I believe it was the eighth, but it might have been the seventh. That is my impression.
- 71 Q:-Of what year? A:-I am rather positive it was October 8th in '51.

- 72 Q:-You joined or connected yourself with his organization on October 8th 1851? A:-Well it was in '51 and it was in the month of October, and I am pretty positive it was the eighth of the month.
- 73 Q:-How long did that connection continue? A:-Well if my memory serves me correctly it was until about the next August.
- 74 Q:-Something over a year? A:-Yes sir. No that is not correct, it was not quite a year, -It would not be a year until October, and I left it in August.
- 75 Q:-You did not belong to that organization for quite a year then? A:-No sir, but it run over into another year.
- 76 Q:-Then it was something less than a year that you belonged to the organization of which William Smith was the head? A:-Yes sir.
- 77 Q:-Now I will ask you if during that time you were an officer in that church organization? A:-I became an elder in it.
- 78 Q:-At what time did you become an elder? A:-I can't say the exact time.
- 79 Q:-Well I would say with reference to your joining it? A:-Well I should judge it would be the winter afterwards. My best recollection is that it was in the winter afterwards. Possibly it might have been in the spring following, but my recollection is that it was in the winter after I joined it.
- 80 Q:-Did you have any social or official relations with William Smith during that time? A:-During what time?
- 81 Q:-During the time of your connection with his church organization? A:-Yes sir, -that is to say I did some transcribing for him.
- 82 Q:-What kind of transcribing? A:-Writing for him, -preparing matter for the press.
- 83 Q:-How much? A:-Not a great deal however.
- 84 Q:-Did the position which you held as elder in his church bring you into frequent communication with him? A:-Yes sir. I lived about two miles away from where he resided at the time that he made that his home, and I attended the usual weekly services, and we usually had services during the week, -
- 85 Q:-You had service of Sundays? A:-Yes sir, and a service in addition during the week.
- 86 Q:-Would he be present on these occasions? A:-Yes sir. many times he was.
- 87 Q:-Would he be there always? A:-I could not say that he always was there, but he would be there many times.
- 88 Q:-If he had taught the doctrine of polygamy during the time that you were with him would you have had an opportunity to have known it? A:-If he had taught it publicly during any of the services that were held I certainly should have observed it.
- 89 Q:-Well then did he teach it at that time? A:-Not that I know of sir.
- 90 Q:-Not that you know of you say? A:-No sir. If he did I don't know anything about it.
- 91 Q:-Did he at any time teach it either publicly or privately to your knowledge? A:-No sir, not that I know of. I thought my former answer covered that question pretty thoroughly.
- 92 Q:-Now you have spoken of the ordinance of sealing? A:-Yes sir.
- 93 Q:-In the church? A:-Yes sir.
- 94 Q:-I will ask you to explain, if you can, of what that ordinance consisted? A:-Well so far as I, -so far as matters of marriage

were concerned I never heard it advocated in those times, and I never saw any administrations of it, but there was a rumor afloat passing from one to another that such a thing as sealing might be had, and that it related for instance to a person having a dead wife and a living one, that he might in that case be sealed to both by this ordinance, but I never heard it advocated in any way either privately or otherwise, but simply as a rumor that such a thing had been advocated by some, and I would not now undertake to say, -

95 Q: -You would not undertake to say what? A: -I was going to add I would not now undertake to say that William Smith was in any sense the author of it either. I would not say as to that.

96 Q: -At the time of your connection with the church as organized and presided over by William Smith was this ordinance of sealing practiced in the church? A: -No sir.

97 Q: -It was not? A: -No sir, it was not to my knowledge. I repeat it that I never heard it advocated publicly or privately by any official in the church, and I never saw any administration in that direction. To explain myself further in regard to this question of sealing I may state that it was taught from the first that there was sealing testimonies of God's spirit which are equivalent to confirmation to the individual, and that is simply given the individual under the general administration of the doctrine of the church and the ordinances of the church. That is all I then knew or that I then heard advocated in regard to matters of sealing aside from the rumor that I now speak of. Now that which I speak of was occasionally heard of but it was not commonly heard of. It was also occasionally heard of in relation to the sealing of wives, the dead and the living to an individual for the world to come.

Cross examination by Mr. Southern, -

98 Q: -Mr Blair have you conversed with William Smith with reference to the testimony of Mr. Briggs which you have been responding to here this morning? A: -Yes sir, to some extent.

99 Q: -Well to what extent? A: -To a limited extent, -to a limited degree.

100 Q: -You have had some conversation with him about it? A: -Yes sir, I talked to him about it to a limited extent.

101 Q: -Where was that conversation had? A: -It was here in the city.

102 Q: -When? A: -Yesterday. There was but very little said on that point however.

103 Q: -Well how much was there said on the question? A: -A very few words only.

104 Q: -Did you and Mr. Smith remember these things in the same way? A: -Well I cannot say.

105 Q: -I mean in so far as the facts were elicited in this conversation? A: -I could not say, but I remember distinctly that I became associated with the church the seventh or eighth of October 1851, and never having been associated with any religious body before, it was all a comparatively new business to me, and I remember furthermore quite distinctly of attending what they called the priesthood lodge meetings along in the winter afterwards, and perhaps in the spring following. I likewise remember that Jason W. Briggs shortly after that conference, -I could not say how long, but I should judge it was not more than a month, -possibly less, -wrote a communication down to his relatives, which I learned about, stating that he had abandoned, -or that he had rejected William

Smith's claims.

- 106 Q:-That he had rejected the claims of William to be the head of the church? A:-Yes sir, and that he had abandoned that organization.
- 107 Q:-Now when did that occur? A:-I think that that occurred along in the first days of November.
- 108 Q:-Now that is hardly responsive to my question I think. A:-Well what is the question?
- 109 Q:-My question is whether in conversation with William Smith yesterday your views and recollections are the same or were the same with reference to his statement of Mr. Briggs about the reading of a revelation on a given occasion? A:-Well as far as I am concerned I simply remember that I never heard it, -never saw it or heard of it, and he denies ever having having seen or ever having heard any such a thing at that time, and he denies ever having presented at any time any such a revelation.
- 110 Q:-Is it not a fact that at some time there was one presented by his counselor Woods? A:-I don't know that there ever was. I know this, -if there ever was I know nothing about it.
- 111 Q:-You referred to a letter a while ago in your direct examination that was written. You referred to this letter a while ago and I desire to ask you now if this letter contained, -I refer to the letter from Jason Briggs, -whether that letter contained any information? A:-Well I don't know what you mean exactly, but if you want to know what the contents of the letter were, I cannot tell you the exact purport of it only.
- 112 Q:-Well wait a moment. I was going to ask you as to whether or not that letter contained any information in regard to a revelation which Briggs claimed to have received concerning the new organization of the church? A:-The new organization did you say?
- 113 Q:-Yes sir, the new organization? A:-The letter contained, -well now I would not say that it was the same one, but we learned I think perhaps as early as in November, that Jason W. Briggs claimed to have received some special testimony in the way of revelation, and whether I read it at that time or not I can't say, but that is my impression in regard to it.
- 114 Q:-He received a revelation? A:-Well it was what purported to be a revelation, and what purported to be that revelation I will not undertake to say at this time, but it was not long after that before he, as I understood it, published this letter in which he repudiated William Smith and his organization, -that is he repudiated the claims of William Smith to the Presidency of the church.
- 115 Q:-Did he do that on any other grounds, -was there anything said about the new organization? A:-No sir.
- 116 Q:-At that time there was nothing said about the new organization? A:-No sir, there was not anything said about it that I remember of.
- 117 Q:-Were you a member of William Smith's church at the time that Jason W. Briggs claimed to have received a revelation with reference to the new organization? A:-Yes sir, I was a member of it at that time.
- 118 Q:-Yes sir. You were? A:-Yes sir.
- 119 Q:-When did this action of Briggs' take place? A:-It came within a month of my uniting with the church.
- 120 Q:-Now I will ask you how you account for the difference in the recollection of yourself and Mr. Briggs about these priest's lodge

- conferences, and what occurred there? A:-Well sir, I was only a new member of the church at that time.
- I21 Q:-You did not hold any office in the church then? A:-No sir, I was only a new member in the church and was not an officer, and that was prior to the time that Jason W. Briggs renounced William Smith and his church. If my memory serves me right I was not yet an officer in the church in any sense of the term, but I was simply a new member of the church, and I don't remember now of ever having at any time met with Jason W. Briggs, except simply in conference meetings. I don't remember of meeting with him at all, -that is in that kind of a way.
- I22 Q:-I believe you stated that he was mistaken in saying that you met with him on any such an occasion? A:-Yes sir.
- I23 Q:-Well now I want to enquire as to how you account for that kind of a mistake? A:-Well I really don't know. That is something I would not attempt to account for unless it be on account of Mr. Briggs' lapse of memory.
- I24 Q:-Are you confident that Mr. Briggs is mistaken and you are correct? A:-I am confident that if anything of the kind had occurred there, such as the presentation there, or the teaching there by a written revelation, or in any other way, of polygamy or plurality, or anything of that kind, I should have observed it at once and I know should and would have kicked against it.
- I25 Q:-You say at that time you were a new member of the church? A:-Yes sir, comparatively speaking I was.
- I26 Q:-And you say that if anything teaching polygamy or plurality of wives had been presented you would have "kicked" against it? A:-I most assuredly would have done so.
- I27 Q:-Could you have done so or would you have done so, - would you have been likely to do so, I will put it, being only a private member of the church, and a new one at that, and the others presenting it being public officers of the church and high in authority? A:-Yes sir, on the ground that polygamy was a mooted question in those times and it was reputed, or rather imputed to the latter Day Saints as a body, or its practice was, and I learned from the book of Mormon and the book of Doctrine and Covenants and their other standard works at that time, before I associated myself with them, that these standard books discounted polygamy or anything of that kind, and I furthermore learned at that time that this body which I joined disclaimed the practice and doctrine, - I mean that my attention would have been drawn to it for the reason that at that time it was a question that was being discussed more or less publicly.
- I28 Q:-In the church? A:-No sir, not particularly in the church, but abroad in the world, - it was something that was imputed to the Latter Day Saints, and before I joined them I examined and carefully studied their standard works and I saw that the doctrine and its practice was expressly discounted, and deprecated, therefore if at any time that had been presented in any way while I was a member of William Smith's organization, or at the time that Briggs refers to I am positive that I would remember it, and I know if it had been I should forthwith have withdrawn from the church.
- I29 Q:-Well doubtless it is a fact that it was practiced by some members of the church? A:-At that time?
- I30 Q:-Yes sir? A:-I could not say.

- I31 Q:-If it was discussed it was practiced was it not?
It would not be discussed unless it was practiced?
A:-I don't know sir really I could not say as to that.
- I32 Q:-Well I should think not,-? A:-No sir,I don't know anything about it if it was.
- I33 Q:-State as accurately as you can when you became a member of the church? A:-I think it was in the winter prior to the April conference of 1852.
- I34 Q:-Then when did you ever attain any higher position in this church than that? A:-I think it was in the April conference of '52.
- I35 Q:-Well what position did you attain to then? A:-I would not be certain of it.
- I36 Q:-Well what was it? A:-An Apostle.
- I37 Q:-You became one of the Twelve? A:-Yes sir.
- I38 Q:-In April 1852 you became one of the Twelve in the church as organized under William Smith? A:-Yes sir.
- I39 Q:-Was Jason W. Briggs also one of the Twelve?
A:-Well he had been,-he was understood to be at the time that I came into the church, but he repudiated ~~the~~ the church before this time.
- I40 Q:-Before the time you became one of the Twelve?
A:-Yes sir.
- I41 Q:-When did he repudiate the church? A:-Well it was in November 1851. That is the best of my recollection, for it was about a month after I joined it.
- I42 Q:-Might you not have become one of the Twelve Apostles prior to the time of the April conference of 1852?
A:-Well I don't know. I rather think not, for my memory is that it was in the spring and I believe at the April conference 1852 that I was ordained as one of the Twelve.
- I43 Q:-That is your recollection of it? A:-Yes sir, I think that was the time, and possibly I have records at home that would fix the time definitely.
- I44 Q:-Will you look at the paper I now hand you, and see if you see anything on it that refreshes your memory on that question? A:-No sir,-well now I do remember that there was something of that kind that was written.
- I45 Q:-At what time was that? A:-Well the date of this is January 1852. That would be following the October in which I became a member of the church.
- I46 Q:-You recognize that? A:-Yes sir.
- I47 Q:-And it is dated January 1852? A:-Yes sir.
- I48 Q:-What is the signature to that? A:-I see it is signed "Apostle of the Lord Jesus Christ." That may be true or it may not be. I would not undertake to say whether or not it is true or false.
- I49 Q:-Well do you remember it? A:-Yes sir, I remember the general purport of it, and this I find is dated January 6th 1852, and is dated at Palestime.
- I50 Q:-What do you say as to the contents of that? A:-Well that is about the ground that we took with reference to Jason W. Briggs at that time.
- I51 Q:-Well is it a fact or is it not a fact that at that time you were an apostle? A:-I would not undertake to say.
- I52 Q:-So then you would not undertake to say now that you were made one of the Twelve in April 1852?
A:-Well as I say my recollection is that I became an Apostle after I joined the church in April. I joined it in October 1851 and my recollection is that I became an apostle or one of the Twelve in April following.

- I33 Q:-But this,- A:-This says,-it is signed,-the signature is William Blair and Edwin Cadwell. No ~~that~~ ~~it~~ claims to be a copy, for of course it is not the original,-it claims to be a copy, and the claim is a false one from the fact that the middle letter is left out of my name. I never signed it "William Blair" in my life to my knowledge,-I am positive that I never did and I never signed it that way from my boyhood up, for it has always been my custom to write out the full name,-that is I don't mean the full, for my name is William Wallace Blair and to write out the full name "William Wallace" would be rather cumbersome, so it has always been my custom from time immemorial, for me to write my name "W.W. Blair", and I see here it is written "William Blair," and if this is a copy it is not a correct one in that respect. It says it is a "true copy of the original" William Smith, William Blair. Now I don't sign my name that way and never did.
- I54 QX:-Well all I care to know in connection with this document is whether after reading it you are not uncertain as to the April date that you have sworn to be the date? A:-No sir, I would not be certain about that.
- I55 Q:-You would not be certain about the April date? A:-No sir, I could not say the real date or the true date. The real date might have been prior to that time,-to the date of that letter.
- I56 Q:-Well if it was done prior to the conference that would be contrary to the usages of the church would it not? A:-What is that?
- I57 Q:-The idea of calling and ordaining apostles outside of the general conference or the general council,-if that was done would it not be flatly in conflict with the law and the usages of the church? A:-Yes sir, that is what I say, and that is the reason I say that it must have been at the April conference, for that is my recollection and it would be the laws of the church.
- I58 Q:-And it is from that fact is it not that you are inclined to place the date of your ordination in April? A:-Yes sir. The fact is I have no distinct recollection of the date. I want to say in regard to another matter in here (referring to a pamphlet that witness holds in his hand) for that possibly ~~it~~ might refresh my recollection.
- I59 Q:-Well look at it and state what it is? A:-I find this was published, as the imprint shows, at Springfield in 1854 instead of being published in 1852.
- I60 Q:-Well that might be the fact and yet the facts set forth in it be correct? A:-Yes sir, they might be approximately correct.
- I61 Q:-Do you know whether or not one of the Briggs assigned reasons for leaving William Smith's church at the time he left? A:-Possibly so.
- I62 Q:-And was not this very change of the advocacy of polygamy by William Smith the reason? A:-Yes sir, I know that from that revelation,-or I should say that purported revelation that is embodied in there. There is in there some rather indirect,-perhaps I should say, direct allegations that he repudiated it on some accounts by reason of this plurality doctrine.
- I63 Q:-And is it not a fact that Jason Briggs repudiated William Smith on that account? A:-Yes sir, that is what we understood at the time, but we also understood at the same time that he was mistaken about it. That was the ground taken by Elder Cadwell and myself and others that he had charged him unfairly and unrighteously in that respect.

- I64 Q:-You did not think he had made a true charge against him? A:-No sir.
- I65 Q:-And is it not a fact that you yourself, and others left the church after that, assigning that as one of the charges for leaving the church? A:-Yes sir, indirectly it was. In that connection I will say that this letter of which you have been speaking was written by his counselor-and I read that letter, and whilst it was not an open advocacy of the doctrine it nevertheless smacked very strongly of an approval of it.
- I66 Q:-Who was that letter addressed to? A:-It was not written to the church but to a member of the church residing at Waukeshaw, and it passed into my hands by way of this man Alva Smith.
- I67 Q:-And that was the reason you left the church? A:-Yes sir, that was one of the reasons but it was not the only reason, for there were some other little irregularities that have no bearing on this case as I understand it, that moved me to the action I took.
- I68 Q:-Well have you not conversed with Mr. Briggs upon this very question? A:-With Jason W. Briggs?
- I69 Q:-Yes sir? A:-Upon what question?
- I70 Q:-The question upon which he testified and regarding which you have also testified here in your examination in chief today? A:-About this revelation?
- I71 Q:-Yes sir? A:-No sir.
- I72 Q:-Well more particularly about this charge made against William Smith? A:-Well I think it is likely we may have talked about that.
- I73 Q:-Well did you not do so? A:-I say I think it is likely we may have talked about that.
- I74 Q:-You think it is likely you have talked about it? A:-Yes sir, it is very likely we did.
- I75 Q:-Well did you? A:-Well sir, I can only say what I have stated that it is probable that we did, but I will say however that I can't remember of an occasion upon which we have done so.
- I76 Q:-Well did your views agree with his or disagree at the time you conversed with him? A:-I could not say sir. I would not undertake to say as to that, for he held as I did that there was something in this polygamy idea that had obtained with this man Woods, but as I stated all the knowledge that I had about it or could obtain was based upon rumor and the circumstantial evidence found in this letter.
- I77 Q:-You refer to the letter from his counselor? A:-Yes sir.
- I78 Q:-Was there not at that time that you made this investigation and conversed with Mr. Briggs about it, other testimonies with reference to William Smith's connection with this matter? A:-Well I cannot say. I will say this however that I never could have had any conversations with him about this matter unless it was after 1857 for I did not meet Mr. Briggs again after the first of October 1851 until the summer of winter of '56 and '57 when I met him again.
- I79 Q:-Where did you meet him at that time? A:-I then met him at Blanchardville, and that was the first time I met him after 1851.
- I80 Q:-You met him then at Blanchardville, Wisconsin? A:-Yes sir.
- I81 Q:-Well I will ask you this question, -did you at that time discuss with him the evidence? A:-I don't think that I did. I could not say as to that.
- I82 Q:-Do you know anything about a letter to Briggs by one Abbot in which he said in reference to William Smith,

.-I mean a letter written by William Smith to this man wherein he set forth his views in regard to a plurality of wives? A:-Did I have a conversation with Briggs?

I83 Q:-Yes sir? A:-I simply heard of that.

I84 Q:-You never saw a letter of that kind? A:-No sir, - what letter is that?

I85 Q:-I see I was mistaken in my notation here, -It was a letter written by William Smith to one Albert White, in which Smith set forth his views in regard to plurality of wives? A:-I don't think I ever saw a letter of Albert White's.

I86 Q:-I said a letter from William Smith to Albert White? A:-I do not think I ever saw one of that kind

I87 Q:-Did you know Albert White? A:-Yes sir, I knew him. I knew he lived at Waukeshaw in Wisconsin. I was not at that time living there for I resided at Amboy, Illinois, perhaps one hundred and twenty miles away, and I never met Albert White or knew anything about him only by hearsay.

I88 Q:-Did you not say that you were acquainted with him? A:-I was acquainted with him in that way, -by hearsay merely, -that is I heard there was such a man.

I89 Q:-Is it, or is it not a fact, Mr. Blair, that you have what purports to be a history of your church published by one Tullige? A:-Yes sir. We have a history of what purports to be an outline of the church. It is what is called or known as "Tullage's History" but it is not an authority in the church, and never was endorsed by the church.

I90 Q:-Well I will now ask you if it is not stated in that history that William Smith confessed to a belief in and practice of polygamy at a conference held in 1851?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reason that it is incompetent, irrelevant and immaterial and is not cross examination.

I91 Q:-Answer the question? A:-I am not aware that there is any such a passage in there.

I92 Q:-Is there, or is there not a passage that you are acquainted with that accuses William Smith of the practice of polygamy?

Counsel for the plaintiff objects to the question asked the witness on the ground and for the reasons above set forth.

A:-I think not.

I93 Q:-Do you say there is not? A:-I say I think not. I don't now remember of any such passage as that.

I94 Q:-Do you know whether the church or any of its elders have ever advocated the claims, -I should say have ever defended the claims, -have ever defended William Smith against the charge ~~publicly~~ publicly?

Counsel for the plaintiff objects to the question asked the witness on the grounds and for the reasons that it is not proper cross examination and is incompetent irrelevant and immaterial.

A:-No sir, I don't know that they ever did, and I don't know that they ever had occasion to do so.

I95 Q:-Was Alva Smith a member of William Smith's church, or Edwin Cadwell? A:-I cannot say that Alva Smith was ever a member of his church but Cadwell was.

I96 Q:-You don't know whether Alva Smith was a member of his church organization or not? A:-No sir. It is likely that he was though, but I don't know positively.

- 197 Q:-Do you know what official position Cadwell occupied in William Smith's church? A:-He was an elder, and I don't know but that he was a member of the Twelve.
- 198 Q:-In William Smith's church? A:-Yes sir.
By Mr. Kelley,-
- 199 Q:-He never believed in or talked polygamy? A:-No sir he was dead set against anything of that kind, and always was so far as I knew.
By Mr. Traber,-
- 200 Q:-Mr. Blair in your cross examination you have spoken about the question of the practice of polygamy? A:-Yes sir.
- 201 Q:-Wait a moment,-you have spoken about it being a mooted question at the time you joined the church. Now where and in what way was it a mooted question? A:-In this way,-it was generally charged by the world at large as I understood it that the Latter Day Saints taught and practiced polygamy. I investigated the matter as best I could taking the standard books and the statements of the ministry at that time connected with the church. I took these and in connection with all that I could learn I decided in my own mind that it was a mistake,-that is to say it was a false charge.
- 202 Q:-Well was that mooted question confined to the church do I understand you to say, where you were, and to the Latter Day Saints in your immediate vicinity, or was it confined and did it relate generally to the church in your vicinity and to the church in Utah? A:-What is that?
- 203 Q:-Did it relate to the church in your vicinity or did it relate to the church in Utah? A:-It related to the church at every place and in every place where it existed. It was charged against all the Latter Day Saints in those times that polygamy was their doctrine wherever they were, and on the part of the Latter Day Saints where I lived they denied it and the body of the people where I lived denied it, and the ministry, so far as I was able to judge denied it also, and they presented the book of Mormon and the book of Covenants and the writings of the church as evidence that it was a part of the doctrine of the church, and could not be. They claimed by all the authorities in the church that it was barred out and formed no part of the doctrine of the church whatever.
- 204 Q:-That was the claim of the church that you joined? A:-Yes sir.
- 205 Q:-Now while that is true, is it not also true that at that time polygamy was being practiced in Utah under Brigham Young? A:-Well of course as to that I cannot say of my own knowledge, but it was understood
- 206 Q:-Now I will ask you whether or not the rumor you speak about did not apply as well to the Utah branch of the church as it did to any other branch of the church? A:-Yes sir. It was a public rumor at that time and was applicable to all Latter Day Saints wherever found.
- 207 Q:-Well now is it true, or is it not true, that it was on account of the practice of polygamy in Utah that this question or rumor as to the practice of polygamy generally in the church originated? A:-Well I could not say about that. We looked upon it in those days,-at least I did after I had thoroughly investigated the matter, and satisfied myself as to it, that it was a slander upon the doctrine of the church, and upon the Latter Day Saints as a body, but of course at the same time it was quite well understood

generally that the people in Utah advocated it and practiced it, but we considered that taking the people who styled themselves "Latter Day Saints", that to charge it to them as a whole was a slander and had no foundation in justice nor in fact.

208 Q:-It was understood that the people in Utah advocated it? A:-Yes sir. I regarded it however from the examination I made of the authorized works of the church on the question of doctrine and practice, and the statements made by the membership and the ministry with whom I came in contact, -I regarded the imputation as slanderous in so far as it related to the church proper, and a slander upon the doctrine of the church.

209 Q:-What do you mean by the "church proper"? A:-Well I understand that to refer to the church as it was originally founded and organized up to the time of the death of Joseph Smith, and the body of the people that I was associated with, I believed that they represented the true doctrine of the church.

210 Q:-Of the original church? A:-Yes sir, and the question of succession was scarcely raised in those days, for it was not a question about which I cared particularly in those times.

211 Q:-In what light was the Utah, -in what light were the Utah people regarded in those days, so far as the right of succession to the church was concerned? A:-Well from what little I can remember in regard to my own views about that, -

By Mr. Southern, - "Well we object to your own views about it."

212 Q:-I am asking about it generally? A:-Do you mean by the world at large?

213 Q:-Yes sir, and by your church? A:-By the body of the people that I had united with?

214 Q:-Yes sir? A:-It was held that they had usurped authority and that their doctrines were corrupt. I learned more from this man Edwin Cadwell in regard to that than I did from any other source. I should say I learned more from him than I did from any other man, for I was an intimate associate of his.

Re-cross examination by Mr. Southern, -

215 Q:-You have spoken with reference to the charge of polygamy existing at the time to your knowledge against the Utah church? A:-Yes sir. I recollect that they were charged with the practice and teaching of polygamy.

216 Q:-Is it not a fact that the same charge was made against the church with which you had affiliated yourself at the same time? A:-The common sentiment and common talk I should judge with those that were outside of that association which I united with, was that the Latter Day Saints everywhere believed in and taught the doctrine of polygamy. That seemed to be the common sentiment and belief, and the fact is that I believed it myself at one time, but when I came to investigate their standard works, and became more intimately acquainted with their membership, especially with Edwin Cadwell, I changed my mind about it.

217 Q:-Well that don't answer my question, which was, was not the charge made against William Smith's church, - that is was not the same charge made against William Smith's church that was made against the Salt Lake church? A:-Yes sir. It was by the outside world, for the outside world all looked upon the Latter Day Saints as one common body. I knew I did.

218 Q:-Is it not a fact that you left William Smith's church-chiefly on account of your investigation in regard to the truth of that charge of polygamy?
A:-Well it was partially so.

219 Q:-That is all.

By Mr. Traber,-

220 Q:-Go ahead and explain if you have any explanation to make? A:-He never taught it to me and Joseph Wood never taught it to either, and I never heard it taught in public or in private by either of them, but I saw that letter I speak of that was written to a party in Waukeshaw, Wisconsin, by Joseph Wood, in which there was something, -well if it was not defensive of it, it was at any rate palliative at least. I know that I did not like the application of it, and I was so sensitive over the matter that I withdrew from the church. You see Colonel I was a young man and I simply quit that organization, for I thought that if William Smith sustained such a man as his counselor, I would not want to have anything to do with the organization.

By Mr. Southern,-

221 Q:-That was not all you found then I understood you to say? A:-No sir.

222 Q:-But from what you did find you considered it sufficient to warrant you in severing your connection with William Smith's church? A:-Yes-sir, I simply withdrew from it.

State of Missouri)

)ss.

County of Jackson)

I, John M. Orr, a Notary Public within and for the county and state aforesaid, do hereby certify that the above and foregoing one hundred and ninety three pages of type written transcript is a true, correct and accurate transcript of my short-hand notes of the evidence of the witnesses whose testimony is therein set forth, and that the testimony of the various witnesses whose names appear herein was taken by me at the time and place hereinbefore certified to in shorthand in pursuance of the agreement and stipulation attached thereto, and that the signature of said witnesses was expressly waived by the parties hereto

by their respective attorneys as aforesaid; and that formal caption and certification thereof was also expressly waived; and that the foregoing one hundred and ninety six pages is all of the testimony that was taken by the plaintiff, by me, in rebuttal; and I further certify that my fees for writing said testimony is for writing one hundred and thirty nine thousand words at the rate of twenty cents per folio of one hundred words, amounting to two hundred and seventy eight dollars (\$278.) said fees having been paid by the plaintiff herein.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in Kansas City, Jackson County, Missouri, this 12th day of November 1892.

.....
Notary Public.

~~James W. Briggs~~